

To whom it may concern,

RECEIVED

FEB 20 2013

U.S. Department of Homeland Security
Office for Civil Rights and Civil Liberties

APAIC (b)(6),(b)(7)(C) at the Detroit Border Patrol Station has set all the thermostats for the male, female and children detainees holding cells at 65 to 67 degrees. The detainees are complaining they are cold.

(b)(6)

To: (b)(6),(b)(7)(C)
Subject: Regarding DHS CRCL Contact-DHS-13-0227
Attachments: 02.20.2013 Anonymous.pdf

Dear CBP Info Center,

The U.S. Department of Homeland Security's Office for Civil Rights and Civil Liberties (CRCL) has reviewed the attached, above-numbered correspondence and is not opening an investigation of the matter. We have determined that it may be more appropriately handled by your unit. Accordingly, CRCL is referring this matter to you for any action you deem appropriate. We are notifying the complainant of the referral. Thank you.

Sincerely,

Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security

This message may contain attorney-client communications, attorney work product, and agency deliberative communications, all of which may be privileged and not subject to disclosure outside the agency or to the public. Please consult with the Department of Homeland Security, Office of the General Counsel before disclosing any information contained in this email.

From: [CRCL_DHSOIGHotline](#)
To: (b)(6) [CRCL_DHSOIGHotline](#)
Cc: (b)(6)
Subject: RE: CRCL Complaint Number 13-08-CBP-0181
Date: Friday, May 31, 2013 11:24:59 AM

Office of Inspector General

U.S. Department of Homeland Security



**Homeland
Security**

The below information has been reviewed and is returned for whatever administrative action or inquiry you consider appropriate. Should any administrative or personnel action result from your response to this information, you are requested to report the final result of that action within 30 business days of its conclusion.

If your review of this matter discloses evidence of previously unreported criminal misconduct that is reportable under Management Directive 0810.1, you are required to notify this office of that information before any additional investigative steps are taken.

From: (b)(6) @hq.dhs.gov]
Sent: Thursday, May 30, 2013 5:20 PM
To: CRCL_DHSOIGHotline
Cc: (b)(6)
Subject: CRCL Complaint Number 13-08-CBP-0181

DHS OIG,

Summary of new complaint for your review:

THIS MATTER INVOLVES AN UNACCOMPANIED MINOR. On May 14, 2013, CRCL received email correspondence from (b)(6) of Children's Project South Texas Pro Bono Asylum Representation Project (ProBAR) on behalf of an unaccompanied minor (UAC) named (b)(6) (b)(6) regarding allegedly inadequate holdroom conditions and threatening language. The minor was apprehended in Mission, Texas and transported to the McAllen Border Patrol Station on April 23, 2013. Allegedly, while in the holdroom at the McAllen station, the minor did not receive food for an entire day. He states that the following day he received a sandwich. The minor reports that later when he asked for more food, the Border Patrol (BP) agent shouted at him and used profane language.

Thank you.

(b)(6)

CRCL Compliance Intern
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security
202-357-(b)(6)

(b)(6)@hq.dhs.gov

This message may contain attorney-client communications, attorney work product, and agency deliberative communications, all of which may be privileged and not subject to disclosure outside the agency or to the public. Please consult with the Department of Homeland Security, Office of the General Counsel before disclosing any information contained in this email.

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From: (b)(6), (b)(7)(C)
To: (b)(6)
Cc: (b)(6), (b)(7)(C)
Subject: RE: CRCL Short Form Complaint 13-08-CBP-0181
Date: Friday, January 03, 2014 4:55:00 PM
Attachments: ROI 201307960 (CRCL 13-08-CBP-0181).pdf

(b)(6)

In response to CRCL Short Form Complaint 13-08-CBP-0181 (JICMS 201307960) please see the attached document.

Sincerely,

(b)(6), (b)(7)(C)
Assistant Chief
U.S. Border Patrol HQ
CBP IA/TOD Liaison
Office: 202 (b)(6),
Cell: 202-5

From: (b)(6)
Sent: Thursday, August 01, 2013 2:09 PM
To: (b)(6), (b)(7)(C)
Cc: (b)(6), (b)(7)(C)
Subject: RE: CRCL Short Form Complaint 13-08-CBP-0181

Hello Assistant Chief (b)(6),

As there is still an open investigation on this matter, please send the ROI when JICMS File 201307960 is complete. That will allow us to close the loop on that matter.

Sincerely,

(b)(6)
Office for Civil Rights & Civil Liberties
Department of Homeland Security
(202) 357 (b)(6) phone)
(202) 253 (b)(6) bb)
(b)(6) @hq.dhs.gov

From: (b)(6), (b)(7)(C)
Sent: Thursday, July 11, 2013 4:14 PM
To: (b)(6)
Cc: (b)(6), (b)(7)(C)
Subject: FW: CRCL Short Form Complaint 13-08-CBP-0181

Ms (b)(6)

As requested, please see the attached I-213 and Juvenile Detention Log for (b)(6). There is no documentation that indicates the UAC complained of mistreatment during apprehension or while at the McAllen Border Patrol Station.

The allegation was documented under JICMS File 201307960. That case was remanded to the Rio Grande Valley Border Patrol Sector for inquiry on 05/21/13 and is still under investigation.

Sincerely,

(b)(6), (b)(7)(C)
Assistant Chief
U.S. Border Patrol HQ
CBP IA/TOD Liaison
Office: 202 (b)(6),
Cell: 202-5

From: (b)(6), (b)(7)(C)
Sent: Wednesday, July 10, 2013 3:08 PM
To: (b)(6), (b)(7)(C)
Cc: (b)(6), (b)(7)(C)
Subject: FW: CRCL Short Form Complaint 13-08-CBP-0181

(b)(6), (b)(7)(C)

The CRCL Short Form below corresponds to JICMS File 201307960.



San Pedro Plaza
119 W Van Buren Ave., Ste. 204
Harlingen, Texas 78550
(956) 365-3775 tel
(956) 365-3789 fax

probar@sbcglobal.net
www.americanbar.org/probar

Meredith Linsky
Director

A project of the American Bar Association, State Bar of Texas, and
American Immigration Lawyers Association.

May 14, 2013

Department of Homeland Security
Attn: Office of Inspector General
245 Murray Drive, SW, Building 410
Washington, DC 20528

RE: McAllen Border Patrol

Dear Sir or Madam:

Our office requests that the Office of Inspector General investigate the behavior of Border Patrol Officers in McAllen, Texas, where we have received a report of verbal abuse and a civil rights violation (lack of food) to an unaccompanied minor. We are attaching the affidavit signed by the minor.

- (b)(6) age 16, (b)(6) previously detained at the International Educational Education Services (IES) Shelter in Los Fresnos, Texas. For your reference the event number is MCS (b)(6)

(b)(6) reports that on or about April 23, 2013, he was detained by Border Patrol Officers. (b)(6) indicates that he and other immigrants were deprived food for an entire day. He states that the following day he received a sandwich; (b)(6) requested more food. In response to his request, (b)(6) states that the Border Patrol Officer told him, "Shut up, Bitch."

The minor's declaration provides more detailed information on the abuse outlined above.

Unaccompanied minors who are in custody deserve the fair and humane treatment that is outlined in the Flores settlement. I trust that your agency will be able to use this information to identify any individuals involved in the abuses and to advocate for Border Patrol's compliance with the standards for treatment of minors in custody.

We are looking forward to hearing from you concerning this complaint. Please note that the minor's signature on page two of his complaint authorizes your agency to release information about any investigation of this complaint to ProBAR, and we request that you do so. If you have any questions, please contact me at (956) (b)(6). Thank you for your prompt attention to this matter.

Respectfully,

(b)(6)

Attorney at Law

cc: DHS Office of the Inspector General
245 Murray Drive, SW, Building 410/Mail Stop 2600
Washington, DC 20528
Via facsimile to (202) 254-4297

Department of Homeland Security
Office of Civil Rights and Civil Liberties
245 Murray Drive, SW, Building 410
Washington, DC 20528
Via electronic mail to CRCLCompliance@hq.dhs.gov

Department of Homeland Security
Joint Intake Center, ICE/CBP
P.O. Box 14475
1200 Pennsylvania Avenue, NW
Washington, DC 20044
Via facsimile to (202) 344-3390

Department of Homeland Security
Office of Internal Audit
425 "I" Street, NW
Washington, DC 20530

Commission on Immigration
American Bar Association
740 15th Street, NW, 9th floor
Washington, DC 20005-1022
Via electronic mail

Customs and Border Patrol
McAllen Station
3000 West Military Highway
McAllen, TX 78503

(b)(6)

8148 Lakepark Dr.
Alexandria, VA 22304
Via hand delivery

My full and complete name is: (b)(6)

My assigned Alien number is: (b)(6)

I was detained by Border Patrol Agents at or near: Hidalgo, TX

I was detained by Border Patrol Agents on or about: April 23, 2013

My age at the time I was detained: 17 FINS #: (b)(6)

Event #: MCS (b)(6)

Border Patrol Agent: (b)(6), (b)(7)(C)

Supervisor: (b)(6), (b)(7)(C)

Location of Border Patrol Agent: McAllen, TX

I, (b)(6) declare and affirm that the following took place:

We were being followed by BP and then before we knew BP was in front of us. My sister was tired of walking and we didn't run away. When they detained us they didn't mistreat us. However, when we were there the first day we were put in the cell and made us not have food all day. We starved the first day because one of our cell mates made a comment to one of the BP people and they punished us with not feeding us. Then later the next day they gave us a sandwich. Later the following day after they gave us the sandwich we asked for food and that's when BP got mad and closed the door on us and told us, "Shut up, bitch." They said other things with disgust. That was it.

I declare and affirm under penalty of perjury that the content of this declaration is true and correct to the best of my knowledge. I authorize any agency or entity receiving this complaint or a copy of this complaint to release any and all information about this complaint or its investigation to South Texas Pro Bono Asylum Representation Project (ProBAR).

(b)(6)

Signature

513113

Date _____

I, _____, hereby declare under penalty of perjury that I am competent in both English and Spanish, and have translated to the best of my abilities the foregoing affidavit from Spanish to English.

(b)(6)

5/3/13

Date _____

From: DHSOIGHotlineMailbox <DHSOIGHotlineMailbox@oig.dhs.gov>
Sent: Friday, May 17, 2013 2:03 PM
To: JOINT INTAKE
Cc: CRCLCompliance; (b)(6)
Subject: DHS OIG C1309995; (b)(6)
Attachments: C1309995.pdf

Office of Inspector General

U.S. Department of Homeland Security



**Homeland
Security**

The below information is furnished for whatever administrative action or inquiry you consider appropriate. Should your office take any administrative or personnel action in response to this information, you are requested to report the final result of that action within 30 business days of its conclusion.

If your review of this matter discloses evidence of previously unreported criminal misconduct that is reportable under Management Directive 0810.1, you are required to notify this office of that information before any additional investigative steps are taken.

From: (b)(6)
To: [CRCLCompliance](#)
Subject: Border Patrol Complaints
Date: Thursday, May 16, 2013 7:47:19 PM
Attachments: BP Complaint (b)(6).pdf
BP Complaint 13.pdf
BP Complaint 14.13.pdf
BP Complaint 5.14.13.pdf
BP Complaint 5.14.13.pdf

Good Evening,

Please find attached complaints from four unaccompanied minors and one adult against Border Patrol Officers in the McAllen and Falfurrias Sectors in South Texas.

I appreciate your time and consideration of the above complaints and hope to hear from you soon.

Best,

(b)(6)

Children's Staff Attorney
South Texas Pro Bono Asylum Representation Project (ProBAR)
(a project of the American Bar Association Commission on Immigration)
119 W. Van Buren, (b)(6)
Harlingen, TX 78550
tele: (956) (b)(6)
fax: (956) 365-3789

From: (b) (6)
To: JOINT INTAKE
Cc: (b) (6)
Subject: CRCL Short Form Complaint 13-08-CBP-0181
Date: Tuesday, July 09, 2013 12:19:00 PM

Dear Colleagues,
The DHS Office for Civil Rights and Civil Liberties is handling the below matter as a Short Form Complaint.

CRCL Short Form Complaint #13-08-CBP-0181

(b) (6)

On May 14, 2013, CRCL received email correspondence from the Children's Project South Texas Pro Bono Asylum Representation Project (ProBAR) on behalf of an unaccompanied minor (UAC) named (b) (6). According to EARM records, the minor was apprehended in Mission, Texas and transported to the McAllen Border Patrol Station on April 23, 2013. The UAC reports that while in the hold room at McAllen, he did not receive food for an entire day. The UAC further states that the following day he only received one sandwich, and the day after that when he asked the Border Patrol agent for food the agent shouted at him and used profane language.

Please review the circumstances of this detention as it pertains to the allegations and provide CRCL with your findings, and the following:

- (b)(5)
1. Copy of the UAC's I-213
 2. E3 detention logs and notes during the period that the UAC was in USBP custody, including feeding logs
 3. Any existing documentation or reports demonstrating that the UAC complained of mistreatment during apprehension or while at the McAllen Border Patrol Station

Please provide your response to me at (b) (6) [@hq.dhs.gov](mailto:(b) (6)@hq.dhs.gov).

Thank you.

WARNING: This document is FOR OFFICIAL USE ONLY (FOUO). It contains information that may be exempt from public release under the Freedom of Information Act (5 U.S.C. 552). It is to be controlled, stored, handled, transmitted, distributed, and disposed of in accordance with DHS policy relating to FOUO information and is not to be released to the public or other personnel who do not have a valid "need-to-know" without prior approval of an authorized DHS official.

(b) (6)

Office for Civil Rights & Civil Liberties
Department of Homeland Security
(202) 357 (b) (6) (phone)
(202) 253 (b) (6) (bb)

(b)(6)

[\[REDACTED\]@hq.dhs.gov](mailto:[REDACTED]@hq.dhs.gov)



Homeland
Security

April 14, 2015

MEMORANDUM FOR: R. Gil Kerlikowske
Commissioner
U.S. Customs and Border Protection

Scott Falk
Chief Counsel
U.S. Customs and Border Protection

FROM: Megan H. Mack
Officer for Civil Rights and Civil Liberties

David J. Palmer
Acting Associate General Counsel - Legal Counsel
Office of General Counsel

SUBJECT: **Rio Grande Valley Sector Complaints¹**

Brownsville: 14-03-CBP-0129, 14-08-CBP-0169, 14-08-CBP-0180, 14-08-CBP-0191, 14-08-CBP-0206, 14-09-CBP-0243 14-09-CBP-0252, 14-09-CBP-0256

Falfurrias: 14-07-CBP-0157, 14-09-CBP-0246

Harlingen: 14-09-CBP-0244, 14-09-CBP-0255

Kingsville: 14-01-CBP-0045

McAllen: 13-07-CBP-0315, 13-08-CBP-0183, 14-07-CBP-0165, 14-09-CBP-0240, 14-09-CBP-0251, 14-09-CBP-0257

Rio Grande City: 13-11-CBP-0310, 14-08-CBP-0181, 14-09-CBP-0245

¹ CRCL has also received the following complaints involving the treatment of UAC at Border Patrol stations in the RGV Sector. These open complaints contain allegations similar to the allegations in the complaints that are discussed in the narrative of this Recommendation Memo, and may already be in some stage of a CRCL investigation:

- A) Excessive or Inappropriate Use of Force: 13-07-CBP-0182, 13-07-CBP-0185, 13-08-CBP-0180, 13-08-CBP-0206, 13-09-CBP-0204, 13-10-CBP-0272, 13-11-CBP-0308, 13-12-CBP-0294, 13-12-CBP-0296, 13-12-CBP-0319, 14-01-CBP-0087, 14-03-CBP-0028, 14-03-CBP-0036, 14-03-CBP-0046, 14-03-CBP-0047, 14-08-CBP-0206, 14-08-CBP-0215.
- B) Inadequate Medical Care: 13-08-CBP-0180, 13-08-CBP-0206, 13-10-CBP-0272, 13-12-CBP-0319, 14-01-CBP-0104, 14-03-CBP-0028.
- C) Inferior Hold Room Conditions: 13-02-DHS-0048, 13-07-CBP-0185, 13-08-CBP-0181, 13-09-CBP-0207, 13-11-CBP-0295, 14-03-CBP-0063, 14-08-CBP-0207.

Protected by Attorney-Client and Deliberative Process Privileges.

Weslaco: 14-02-CBP-0173, 14-03-CBP-0037, 14-08-CBP-0164,
14-08-CBP-0205, 14-09-CBP-0247, 14-09-CBP-0249, 14-09-
CBP-0250, 14-09-CBP-0253

The Office for Civil Rights and Civil Liberties (CRCL) has received complaints regarding the Rio Grande Valley Sector (RGV) Border Patrol (BP) stations, in southeast Texas. The complaints allege that U.S. Customs and Border Protection (CBP) has violated the civil rights and civil liberties of unaccompanied alien children (UAC). The purpose of this memorandum is to notify you of the complaints and describe the allegations, inform you that CRCL will retain the above-referenced complaints for investigation, and explain how CRCL will work with CBP during our investigation.

As part of this investigation, and consistent with its authority described below, CRCL will investigate the allegations contained in the complaints as they relate to policy and federal laws governing the treatment of UAC in DHS custody.² Also, while onsite in RGV, CRCL will especially focus our investigation on the provision of medical care and on the use of ECWs in order to determine if they are indicative of systemic civil rights and liberties concerns in RGV:

Medical Care

Fourteen of the complaints discussed below allege denial of medical care or inappropriate medical care for UAC in Border Patrol custody in the RGV Sector. Although many of those complaints also contain other allegations of UAC mistreatment that will also be addressed during the onsite investigation, they are noted "Medical" and are discussed under the Border Patrol station where the allegations occurred.

Use of Electronic Control Weapons (ECW)

Three of the complaints discussed below allege that a UACs either witnessed or was subjected to the deployment of an ECW in the RGV Sector. Although many complaints also allege other types of force used against UAC that will also be addressed during the onsite investigation, those involving ECWs are marked "ECW" and discussed under the Border Patrol station where the allegations occurred. When onsite, the CRCL investigation team will include a contracted use of force expert who will review policy, procedure and training in this area, as well as review the circumstances under which the ECWs and other uses of force were used, and examine the reporting and review procedures that occurred after each use of force incident if they exist. Some of those complaints also contain other allegations of UAC mistreatment that will also be addressed.

² Including: A) U.S. Border Patrol, Hold Rooms and Short Term Custody Policy (January 31, 2008), which describes the treatment of UAC and provisions afforded to UAC when in Border Patrol custody; B) *Flores v. Meese*, No. 85-cv-4544, Stipulated Settlement Agreement (C.D. Cal. Jan. 17, 1997), which outlines federal responsibilities toward the handling and treatment of UAC; C) The William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA), Pub. L. No. 110-457, 122 Stat. 5044 (Dec. 23, 2008) (codified, in part, as amended in scattered sections of U.S.C.), describes mandates for the identification and protection of victims of human trafficking who are children, and mandates limitations on timelines for transfer of UAC from DHS custody into the custody of HHS ORR; D) Though currently in final stages of review, the CBP uniform policy (draft), National Standards on Transport, Escort, Search and Detention (referred to as "TEDS") should be mentioned here as it contains additional detailed provisions for CBP regarding the treatment of UAC in the four categories.

ALLEGATIONS - BROWNSVILLE

Complaint No. 14-03-CBP-0129

On December 16, 2013, CRCL received complaint from the Children's Project South Texas Pro Bono Asylum Representation Project (ProBAR) on behalf of UAC (b)(6) age 17. The UAC alleges lack of food while in Border Patrol custody for over 72 hours. The UAC states that while at the station where he spent a full night; he was never provided food or water when he requested it. The UAC states that two different agents denied food to everyone in his hold room. According to EARM records, BP apprehended the UAC on October 30, 2013 in Falfurrias, Texas, and transported him to the Fort Brown Station for processing.

Complaint No. 14-07-CBP-0157 (Medical)

This complaint is also discussed under the Falfurrias complaints.

On April 13, 2014, CRCL received an email complaint from the Children's Project South Texas Pro Bono Asylum Representation Project (ProBAR) on behalf of UAC (b)(6) age 17. According to EARM records, the UAC was apprehended on November 30, 2013, by the Brooks County Sheriff's Department after the UAC drove off a bridge that was under construction, resulting in a spine injury, hospitalization, and surgery. Fifteen days after surgery, Border Patrol arrested the UAC and processed him at the Falfurrias station. While in Border Patrol custody at Falfurrias, the UAC alleges that agents withheld his prescribed medications. He was subsequently transferred to the Brownsville station where he alleges that his prescription medications were lost and replaced with an over-the-counter pain medication. While the UAC reports that he received crutches at Brownsville, he also complains that he had to sleep on the floor with only a thin mattress. CRCL received the I-213 which relays there were long delays in receiving his medication. E3 also shows that the FOJC was not notified of the UAC's HHS ORR placement needs until after the UAC returned to the Falfurrias station, subsequent to his hospitalization. According to EARM records, he was not transferred to HHS ORR until December 28. HHS ORR records relay that ORR found placement within 2 days of ICE FOJC notification, however the UAC was not transported until five days after ORR identified a placement facility.

Complaint No. 14-08-CBP-0169

On May 6, 2014 CRCL received a SIR from HHS ORR on behalf of UAC (b)(6) age 17. The UAC alleges that while in Border Patrol custody, he witnessed the physical abuse of another UAC while he was in custody at the Brownsville station. He reports that the UAC made shoe laces in the hold room and, when discovered by an agent, was moved to another hold room. The next time he saw the UAC, he noticed the UAC's arms and lips were bruised and bluish-purple in color. The UAC also complains that he was in Border Patrol custody beyond 72 hours. According to EARM records, the UAC was apprehended by Border Patrol on April 28, 2014 near Hidalgo, Texas, transported to the Brownsville Station, and transferred to HHS ORR custody on March 2.

Complaint No. 14-08-CBP-0180

On May 6, 2014 CRCL received an email complaint from the Florence Immigrant and Refugee Rights Project on behalf of UAC (b)(6) age 16. The UAC alleges that during his processing interview at the Brownsville station on April 20, 2014, he was verbally abused and strip searched. He alleges that two agents accused him of lying about his age and falsifying his Guatemalan ID and birth certificate, and then disposed of them. The agents allegedly threatened that he would be sexually abused by an adult male detainee if he was not truthful. One of the agents instructed the UAC to remove his clothing, searched him, and continued to interview the unclothed UAC about his age.....

Complaint No. 14-08-CBP-0191 (Medical)

On May 27, 2014 CRCL received a Significant Incident Report (SIR) from the U.S. Department of Health and Human Services Office of Refugee and Resettlement (HHS ORR) on behalf of UAC (b)(6) age 13. The UAC alleges that while she was in Border Patrol custody three male agents verbally abused her, denied a phone call to her mother, and threw her food on the ground: food that she describes as "ice cold bologna with a yellow center." In addition, the UAC claims that she reported stomach pain as a result of surgery two months prior. However, she alleges the agents denied her pain medication and additional sanitary napkins. As a result, the UAC states that she remained in custody with blood-stained pants. No health issues are recorded in EARM. EARM states the UAC was apprehended on May 11, 2014, near Hidalgo, Texas, was transported to the Brownsville station, then transferred to HHS ORR on May 12. HHS ORR medical records confirm the UAC's report of undergoing surgery for an ovarian cyst.

Complaint No. 14-08-CBP-0206

On May 28, 2014 CRCL received a SIR from HHS ORR on behalf of UAC (b)(6) age 16. The UAC alleges that during apprehension on May 4, 2014, near Mission, Texas, a Border Patrol agent was verbally abusive, calling him a "dog." The same agent allegedly threatened to kick those aliens who did not respond when spoken to. In addition, at the Brownsville station, the UAC claims he witnessed an agent lift up a minor by the neck and physically push him against a glass structure, which caused the minor to bleed. He also claims the agent threatened to use an ECW against the bleeding minor's brother. The UAC also alleges that an agent threatened the minors with sexual abuse by an adult male detainee. He then alleges that an adult Mexican detainee was brought into the juvenile hold room and immediately began using derogatory and intimidating language toward the minors. The UAC claims he was in Border Patrol custody for four days before his transfer to HHS ORR on May 8.

Complaint No. 14-09-CBP-0243 (Medical)

On June 11, 2014, CRCL received 116 complaints from several immigrant advocacy organizations on behalf of UAC complainants. Esperanza wrote on behalf of UAC (b)(6) age 17. The UAC alleges that he was not provided with food or drinks for two full days during the several days that he remained in Border Patrol custody. When he did receive food and juice, the UAC states that he became ill but did not receive medical care. The UAC also alleges that the hold room was cold, personal hygiene items were not provided, and his property was not returned. According to EARM, the UAC was apprehended by Border Patrol near Brownsville on May 7, 2014, and transported to the Fort

Brown station for further processing. EARM also states the UAC was in Border Patrol custody for 9 days, and transferred to HHS ORR on May 16.

Complaint No. 14-09-CBP-0252 (Medical)

On June 11, 2014, CRCL received 116 complaints from several immigrant advocacy organizations on behalf of UAC complainants. The National Immigrant Justice Center (NIJC) wrote on behalf of UAC (b)(6) age 16. The UAC was apprehended near Hidalgo, Texas, on May 9, 2014, along with her two-year old son, and both were transported to the Brownsville station for processing. The UAC alleges she was provided inedible food at Brownsville. She also alleges that she was not allowed to make phone calls, and was not provided diapers for her child when needed. The UAC also claims she became ill and requested medication, however agents either ignored her requests or stated they had no medication. Her two-year-old child also began feeling ill and developed a fever, according to the complaint. However, it wasn't until several days after the UAC first reported feeling ill that she and her child were transported to the hospital. According to EARM records, the UAC was transported to the Brownsville station after apprehension on May 9, and was taken to the Valley Baptist Medical Center in Brownsville on May 16 for flu symptoms, where she was treated and cleared. That same day the UAC was transferred to HHS ORR.

Complaint No. 14-09-CBP-0256 (ECW, Medical)

On June 11, 2014, CRCL received 116 complaints from several immigrant advocacy organizations on behalf of UAC complainants. NIJC wrote on behalf of UAC (b)(6) age 13. The UAC alleges that, during his apprehension by Border Patrol on May 1, 2014 near Brownsville, Texas, an agent with a canine pulled him out from underneath a car where he was hiding, and the canine scratched the right side of his face, causing his eye to bleed. Although he reports that he was in two stations for a total of five days, the UAC alleges that he never received medical care for his visibly injured eye, which he could barely open. Also, at the second facility, the UAC states that he witnessed a male minor being taken outside where an agent deployed an ECW, causing the minor to fall to the ground, caused shaking, and caused his eyes to roll back. Afterwards, according to the UAC, the other minor was brought back into the cell, placed in a chair, and restrained at his wrists and ankles. According to EARM records, the UAC was transported to the Brownsville station for processing, and transferred to HHS ORR on May 6.

ALLEGATIONS – FALFURRIAS

Complaint No. 14-07-CBP-0157 (Medical)

This complaint is also discussed under the Brownsville complaints.

On April 13, 2014, CRCL received an email complaint from the Children's Project South Texas Pro Bono Asylum Representation Project (ProBAR) on behalf of UAC (b)(6) age 17. According to EARM records, the UAC was apprehended on November 30, 2013, by the Brooks County Sheriff's Department after the UAC drove off a bridge that was under construction, resulting in a spine injury, hospitalization, and surgery. Fifteen days after surgery, Border Patrol arrested the UAC and processed him at the Falfurrias station. While in

Border Patrol custody at Falfurrias, the UAC alleges that agents withheld his prescribed medications. He was subsequently transferred to the Brownsville station where he alleges that his prescription medications were lost and replaced with an over-the-counter pain medication. While the UAC reports that he received crutches at Brownsville, he also complains that he had to sleep on the floor with only a thin mattress. CRCL received the I-213 which relays there were long delays in receiving his medication. E3 also shows that the FOJC was not notified of the UAC's HHS ORR placement needs until after the UAC returned to the Falfurrias station, subsequent to his hospitalization. According to EARM records, he was not transferred to HHS ORR until December 28. HHS ORR records relay that ORR found placement within 2 days of ICE FOJC notification, however the UAC was not transported until five days after ORR identified a placement facility.

Complaint No. 14-09-CBP-0246 (Medical)

On June 11, 2014, CRCL received 116 complaints from several immigrant advocacy organizations on behalf of UAC complainants. Esperanza wrote on behalf of UAC (b)(6) (b)(6) age 16. The UAC claims that agents were verbally abusive during her apprehension and accused her of lying about her age. She claims that over the nine days that she was in custody, she spent time in several different stations which were cold and blankets were not provided. She also claims the food included moldy bread which made her ill, and when she requested medication it was denied. When she vomited, the UAC alleges an agent became angry, verbally abused her, and accused her of being pregnant. She also complains that the hold room toilet areas were unclean with used sanitary napkins and soiled toilet paper covering the floor. According to EARM records, the UAC was apprehended by Border Patrol on May 6, 2014, near Falfurrias, Texas, was transported to the Falfurrias Station for processing, and transferred to HHS ORR on May 11.

ALLEGATIONS – HARLINGEN

Complaint No. 14-09-CBP-0244

On June 11, 2014, CRCL received 116 complaints from several immigrant advocacy organizations on behalf of UAC complainants. NIJC wrote on behalf of UAC (b)(6) (b)(6) age 15. The UAC alleges that he was placed in 3-point shackles during transport to ORR, however, it is unclear whether Border Patrol or ICE transported him. EARM records state the UAC was apprehended by Border Patrol on May 2, 2014, near Hidalgo, Texas, transported to the Harlingen station for processing, and then transferred to the Fort Brown Station. EARM states the UAC was in custody for 7 days.

Complaint No. 14-09-CBP-0255 (Medical)

On June 11, 2014, CRCL received 116 complaints from several immigrant advocacy organizations on behalf of UAC complainants. Esperanza wrote on behalf of UAC (b)(6) (b)(6) age 11. The UAC alleges that while he was in Border Patrol custody the station's water was undrinkable and tasted like chlorine, that he received only one container of juice, the cell was cold, and he did not receive hygiene items. In addition, he alleges the food him stomach pain for two days, but when he told an agent, the agent was verbally abusive to him. According to EARM records, he was apprehended by Border Patrol on

May 1, 2014, near Hidalgo, Texas, and transported to the Harlingen Station for processing. EARM also states the UAC was in custody for 7 days, and then transferred to HHS ORR on May 8.

ALLEGATIONS – KINGSVILLE

Complaint No. 14-01-CBP-0045 (ECW)

On October 16, 2013, CRCL received an email complaint from ProBAR on behalf of UAC (b)(6) age 17. The UAC alleges he was physically and verbally abused during apprehension by an agent who continually tightened his handcuffs and then yelled at him when the UAC complained that the handcuffs were too tight. He also alleges that an agent used an ECW on his friend, who was also a minor. The UAC also states that he and other minors were refused water after apprehension. According to EARM records, the UAC was apprehended by Border Patrol on September 11, 2013, on the Mariposa Ranch, transported to the Kingsville station for processing, and transferred to the Fort Brown station pending HHS ORR placement. However, e3 records are missing the date and time of the transfer.

ALLEGATIONS - MCALLEN

Complaint No. 13-07-CBP-0315 (ECW)

On April 26, 2013, CRCL received a SIR from HHS ORR on behalf of UAC (b)(6) age 17. During apprehension, when the UAC walked away from the agent, the agent allegedly deployed an ECW near his left hip. The UAC states that the agent he did not believe he was under 18 years of age. The UAC was transported to the McAllen station for processing. EARM states the UAC was apprehended near Hidalgo, Texas, on April 11, 2013.

Complaint No. 13-08-CBP-0183 (ECW, Medical)

On May 9, 2013, CRCL received an email complaint ProBAR on behalf of UAC (b)(6) age 17. The UAC alleges physical abuse and threats of bodily harm by Border Patrol agents at the McAllen station. (b)(6) reports that he was physically abused by Border Patrol (BP) agents after crossing the Rio Grande River with two other UAC near Penitas, Texas, on or around April 17, 2013. The UAC claims that two agents approached them, ordered him to get on the ground, and shortly after he complied the two other minors were thrown on top of him. The UAC also alleges that one of the agents began singing the words, "I'm going to deport you." He also alleges that an agent approached him with an ECW, asked if he knew what it was and, when he replied that he did not, the agent deployed the ECW on him while he was underneath the other minors causing extreme pain in his right arm and lack of sensation and control until the next day. There is no indication that the UAC received medical care following the alleged ECW deployment. On April 26, 2013, CRCL received an SIR from HHS ORR reporting the same allegations.

Complaint No. 14-07-CBP-0165

On April 21, 2014 CRCL received an email complaint from ProBAR on behalf of UAC (b)(6) (b)(6) age 17. The UAC alleges that after his apprehension on December 4, 2013, he remained in Border Patrol custody for approximately nine days in two different stations. At the second station the UAC claims the toilet overflowed, but agents refused to assist. Later, he reports the problem was repaired but the hold room was not cleaned until a day later, which caused the hold room to smell bad. EARM records only report that the UAC was apprehended on December 4, 2013, transported to the McAllen Station for processing, and transferred to HHS ORR on December 4.

Complaint No. 14-09-CBP-0240

On June 11, 2014, CRCL received 116 complaints from several immigrant advocacy organizations on behalf of UAC complainants. Esperanza wrote on behalf of UAC (b)(6) (b)(6) age 15. The UAC alleges that she was in Border Patrol custody in two different stations, where the hold rooms were cold, the water was undrinkable because it tasted like chlorine, and she was fed only twice a day with food that made her ill. In addition, she claims that agents would hit their batons inside the hold room so the UACs could not sleep. She also reports that agents separated her from her family. According to EARM records, she was apprehended by Border Patrol on May 8, 2014, near Hidalgo, Texas, and transported to the McAllen Station for processing.

Complaint No. 14-09-CBP-0251 (Medical)

On June 11, 2014, CRCL received 116 complaints from several immigrant advocacy organizations on behalf of UAC complainants. NIJC wrote on behalf of UAC (b)(6) (b)(6) age 16. The UAC and her two-year old son were apprehended by Border Patrol near Hidalgo, Texas, on May 3, 2014. The UAC claims that they were transferred from one station to another station where they were placed in a hold room with several minors and approximately twenty five adults. She reports that no one was provided with a blanket. While in custody, the UAC states that her child became ill and had a fever. However, when she told an agent, the agent said the child didn't look sick and he would ask someone else about it. Another agent arrived and told the UAC that he could only take them to the hospital if her son was very ill, and he then left the cell and closed the door, according to the complaint. Allegedly, that same day an agent insisted the two-year-old child's birth certificate was invalid because it lacked a photo, and then verbally abused the UAC when she responded that Honduran birth certificates don't have photos. According to EARM records, the UAC was transferred to HHS ORR on May 5.

Complaint No. 14-09-CBP-0257

On June 11, 2014, CRCL received 116 complaints from several immigrant advocacy organizations on behalf of UAC complainants. Esperanza wrote on behalf of UAC (b)(6) (b)(6) age 16. The UAC and her infant son were apprehended by Border Patrol on May 2, 2014 and transported to the McAllen station where the UAC alleges the hold room was so overcrowded that she could not sit. She also claims that she and her son did not have a blanket for most of their time in custody. The UAC further reports that she saw other women with infants asking the agents for milk but never received it, causing the children in hold rooms to cry from hunger. EARM records indicate that the UAC was originally held at the

McAllen station, transported to Brownsville for processing and transferred to HHS ORR on May 7.

ALLEGATIONS – RIO GRANDE CITY

Complaint No. 13-11-CBP-0310

On August 25, 2013, CRCL received an email complaint from ProBAR on behalf of UAC (b)(6) age 17. During his July 27, 2013 apprehension, the UAC alleges that an agent restrained his wrists tightly, ignored the UAC's pleas to loosen the restraints and, instead, further tightened them. While he was restrained, the UAC also alleges that the agent continually pushed the UAC's shoulder into the ground, causing it to bleed. The UAC reports that he cleaned his own shoulder wound while he was at the Rio Grande City Station, until he was transported to the hospital two days later for hand and shoulder injuries. The UAC identified the agent as the vehicle driver who transported him to the Rio Grande City station. According to EARM records, the UAC was apprehended by Border Patrol on July 27, 2013 in Rio Grande City, Texas, and then transported to the Rio Grande City BP Station for processing.

Complaint No. 14-08-CBP-0181 (Medical)

On May 12, 2014 CRCL received an email complaint from ProBAR on behalf of UAC (b)(6) age 16. The UAC alleges that she and her prematurely born infant were held in inappropriate conditions at the Rio Grande City station. The UAC was apprehended on April 19, 2014 near Mission, Texas. Several hours after processing at the Rio Grande City station, the UAC began to feel abdominal pain, and was transported to the hospital by Border Patrol. She gave birth to a four pound premature baby on April 21 and remained in the hospital for approximately 10 days. Prior to her hospital release, she states that her doctor informed a Border Patrol agent that the premature baby could not be around other people, but the agent responded that he must follow orders, and subsequently returned the UAC and her infant to the Rio Grande City station. The UAC claims she and her infant remained in a dirty hold room for 2 days where she had no appropriate space to change her infant's diapers as the hold room was full of garbage and sick people. Although the UAC went through a premature birth, the EARM records state the UAC "appears to be in good health," and also notes that she gave birth on April 26, 2014. The UAC was transferred to HHS ORR custody on April 30, 2014.

Complaint No. 14-09-CBP-0245

On June 11, 2014, CRCL received 116 complaints from several immigrant advocacy organizations on behalf of UAC complainants. Esperanza wrote on behalf of UAC (b)(6) age 16. The UAC alleges that he was not provided water during the four days he remained in Border Patrol custody at the Rio Grande City station. He further alleges that he received frozen food twice a day, which made him ill. However, when he requested to see a doctor, he claims that agents ignored him. The UAC also alleges that agents would yell at him and hit him when he fell asleep. Finally, he reports that his personal belongings were not returned. According to EARM records, the UAC was apprehended by

Comment [CRCL1]: (b)(5)

Border Patrol on February 9, 2014, near Rio Grande City, Texas and transported to the Rio Grande City Station for processing.

ALLEGATIONS – WESLACO

Complaint No. 14-02-CBP-0173

On November 14, 2013, CRCL received a SIR from HHS ORR on behalf of UAC (b)(6) age 17. The UAC alleges that after his October 27, 2013 apprehension near Mission, Texas, he was transported to the Weslaco Station, where he was mistreated by an agent who pressured him to sign a document. Because he feared unknowingly signing a deportation document, the UAC states that he did not provide his signature. Subsequently, according to the complaint, the agent then directed the UAC to remove all of his clothing, except his underwear, and he would remain unclothed if he did not agree to sign the document. Afraid and cold, the UAC states that he signed the document. The UAC was transferred to HHS ORR custody on October 29.

Complaint No. 14-03-CBP-0037 (ECW, Medical)

On December 29, 2013, CRCL received an email complaint from ProBAR on behalf of UAC (b)(6) age 16. The UAC alleges physical abuse and the use of an ECW by Border Patrol agents during his apprehension on October 29, 2013 near Hidalgo, Texas. The UAC states that he was lying on his back behind a bush when an agent approached him and deployed an ECW on his stomach. When he attempted to stand, the UAC states the agent stood on top of his leg, and pressed down with force. UAC further states that the agent then pushed him, kneed him twice in his stomach, kicked him several times in the same leg that the agent stood on, and then pushed and kicked him into a thorn bush which caused injuries to his neck. The UAC reports that he cleaned his own wounds at the Weslaco station.

Complaint No. 14-08-CBP-0164

On May 6, 2014 CRCL received a SIR from HHS ORR on behalf of UAC (b)(6) age 13. The UAC alleges that after apprehension by Border Patrol on April 30, 2014 near Hidalgo, Texas, he was transported to the Weslaco Station, where he was separated from his sister. He alleges that an agent yelled at him when he asked to stay with his sister. Without his sister to watch over him, the UAC states that he was nervous and frightened. The UAC was transferred to HHS ORR custody on May 2.

Complaint No. 14-08-CBP-0205

On May 28, 2014 CRCL received a SIR from HHS ORR on behalf of UAC (b)(6) age 14. The UAC alleges that Weslaco agents initially denied her medical attention when she requested it due to pain, which turned out to be labor pains preceding a still birth. According to the complaint, an agent allegedly told the UAC that she was lying about the pain because she believed it would help her get released to her family. A review of records associated with this apprehension highlights multiple recordkeeping problems: While the I-213 does note that the UAC claimed to be four months pregnant and was transported to the Knapp Medical Center for evaluation and clearance, the e3 records do not contain any

information on the transport to the hospital or to HHS ORR. Also, the EARM records state the UAC was both in Border Patrol custody at Weslaco on May 17, 2014 at 22:26 and was being transferred to ORR the same day at 13:37. Email correspondence from HHS ORR, which included the UACs medical records, demonstrate that, on May 18, 2014, Border Patrol contacted 911 for emergency medical services when the UAC's water broke. The baby died on May 18 at 4:55 pm, however, according to Border Patrol emails, the Knapp Medical center medically cleared the UAC on the morning of May 18 prior to the 911 call that afternoon. Finally, Border Patrol email communication states that after the UAC gave birth, she was returned to Weslaco on May 19 and then transferred to HHS ORR.

Complaint No. 14-09-CBP-0247 (Medical)

On June 11, 2014, CRCL received 116 complaints from several immigrant advocacy organizations on behalf of UAC complainants. NIJC wrote on behalf of UAC (b)(6) (b)(6), age 15. The UAC alleges that she was mistreated by Border Patrol over the course of two days. She alleges that she did not receive blankets even though the hold rooms were cold, that she received no medical care for stomach pain that was preventing her from eating, that the water tasted like chlorine, that agents yelled at her, and that she was shackled tightly during transport. The UAC also reports that she cared for a four-year-old girl who was held separately from her brother at Weslaco. EARM records state the UAC was transported to the Weslaco station after apprehension on April 22, 2014, and was transferred out of Border Patrol custody on April 25.

Complaint No. 14-09-CBP-0249

On June 11, 2014, CRCL received 116 complaints from several immigrant advocacy organizations on behalf of UAC complainants. Esperanza wrote on behalf of UAC, (b)(6) (b)(6), age 10. After his and his older sister's apprehension by Border Patrol on May 5, 2014, and upon their arrival at the station, the UAC alleges that he and his older sister were separated. He claims that agents did not tell him why they were separated or when he would see her again. The UAC reports approximately 40 older teenagers in his hold room and very few boys around his age. EARM records show that the UAC was transported to the Weslaco station after his apprehension and he was transferred to HHS ORR on May 15.

Complaint No. 14-09-CBP-0250 (Medical)

On June 11, 2014, CRCL received 116 complaints from several immigrant advocacy organizations on behalf of UAC complainants. Americans for Immigrant Justice (AI Justice) wrote on behalf of UAC (b)(6) (b)(6), age 17, and her one-year old daughter. The UAC alleges that she and her baby were held by Border Patrol for nine days at three different detention facilities. The UAC also claims that, at the first station, she was only allowed to change her daughter's soiled diaper one time during the entire day. She states that her child cried throughout the day due to her soiled diaper and lack of warm clothing, and they never received a blanket. Further, she alleges that her baby received no food other than milk until they arrived at the second station. However, she claims that agents did not provide her with diapers until the third day at that station. When she requested medical care for her daughter, agents allegedly stated that no medical staff was available. At the third facility, the UAC alleges that she only received food twice a day for her baby. According to EARM, they

were apprehended near Hidalgo, Texas, and transported to the Weslaco Station for processing on December 1, 2013.

Complaint No. 14-09-CBP-0253 (Medical)

On June 11, 2014, CRCL received 116 complaints from several immigrant advocacy organizations on behalf of UAC complainants. Esperanza wrote on behalf of UAC (b)(6) (b)(6) age 14. The UAC alleges that agents confiscated her gold necklace and her asthma medication when she was apprehended near Hidalgo, Texas. While detained at the Weslaco station, the UAC claims that she had an asthma attack. When she alerted the agents of her worsening condition, the agents allegedly threatened punishment if she was lying. After eventually receiving medical care, she received an inhaler and pills, however she reports that agents also confiscated that medication. She alleges that she experienced multiple asthma attacks during the five days she spent in custody at Weslaco, however agents only allowed her access to the inhaler when her asthma attacks became obviously serious. The UAC also claims that she told the agents she had not received food, but they told her to “suck it up.” According to EARM records, the UAC was apprehended on April 19, 2014 near Hidalgo, Texas, and was transported to the Weslaco station for processing. EARM also states the UAC was taken to the hospital for “chest pain” on April 20 and that she remained in custody at Weslaco until April 24.

CRCL

CRCL mission. CRCL supports the Department’s mission to secure the Nation while preserving individual liberty, fairness, and equality under the law. CRCL integrates civil rights and civil liberties into all the Department’s activities:

- Promoting respect for civil rights and civil liberties in policy creation and implementation by advising Department leadership and personnel, and state and local partners;
- Communicating with individuals and communities whose civil rights and civil liberties may be affected by Department activities, informing them about policies and avenues of redress, and promoting appropriate attention within the Department to their experiences and concerns;
- Investigating and resolving civil rights and civil liberties complaints filed by the public regarding Department policies or activities, or actions taken by Department personnel;
- Leading the Department’s equal employment opportunity programs and promoting workforce diversity and merit system principles.

CRCL authorities. Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, CRCL is charged with investigating and assessing complaints against DHS employees and officials of abuses of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion. In investigating complaints, if CRCL believes that the complaints raise similar issues, CRCL may look into whether there are systemic problems that justify a broader investigation. Pursuant to its authority under 6 U.S.C. § 345(a)(3), CRCL shall assist components to “periodically review Department policies and procedures to ensure that the protection of civil rights and civil liberties is

appropriately incorporated into Department programs and activities.”³ Additionally, pursuant to DHS Delegation Number 19003, issued October 26, 2012, the Secretary has delegated to the Officer of CRCL the authority to “[a]ssess[] new and existing policies throughout the Department for the policies’ impact on civil rights and civil liberties” and “review . . . programs within any Component to ensure compliance with standards established by the Officer for CRCL to protect civil rights and civil liberties.” Issues such as appropriate treatment by ICE officials, access to medical care, lack of arbitrary punishment, language access, and religious accommodation for ICE detainees all raise civil rights and liberties concerns.⁴ The procedures for our investigations and the recommendations they may generate are outlined in DHS Management Directive 3500, DHS Instruction 046-01-001, and DHS Instruction 046-01-002. *Access to information.* 42 U.S.C. § 2000ee-1(d) grants the Officer access to the “information, material, and resources necessary to fulfill the functions” of the office, including the complaint investigation function; Management Directive 3500 further authorizes CRCL to:

- “Notify[] the relevant DHS component(s) involved of the matter and its acceptance by CRCL, and whether the matter will be handled by CRCL or by the component organization”;
- “Interview[] persons and obtain[] other information deemed by CRCL to be relevant and require cooperation by all agency employees”; and
- “Access[] documents and files that may have information deemed by CRCL to be relevant.”

Further guidance is contained in DHS Instruction 046-01-002, and, pursuant to § 3.3 of ICE Directive 8010.1, “Administration and Management of Inquiries from the Office for Civil Rights and Civil Liberties,” this is a request for information or assistance. Under § 3.3 of Directive 8010.1, ICE will provide the requested information and materials to CRCL within the timeframe indicated below, and not edit or otherwise limit review of the information that is responsive to CRCL’s request. Pursuant to § 2 of Directive 8010.1, CRCL understands that this request will be handled by the appropriate ICE program office or ICE’s Office of Diversity and Civil Rights (ODCR).

Reprisals forbidden. In addition, 42 U.S.C. § 2000ee-1(e) forbids any Federal employee to subject a complainant or witness to any “action constituting a reprisal, or threat of reprisal, for making a complaint or for disclosing information to” CRCL in the course of this investigation. . . . This memorandum and its accompanying request for information are pursuant to these authorities.

³ In addition, pursuant to 42 U.S.C. § 2000ee-1(a)(2), CRCL has the authority to “periodically investigate and review department, agency, or element actions, policies, procedures, guidelines, and related laws and their implementation to ensure that such department, agency, or element is adequately considering privacy and civil liberties in its actions” (emphasis added).

⁴ Immigration detainees retain at least those constitutional rights that are enjoyed by convicted prisoners. See *City of Revere v. Massachusetts Gen. Hosp.*, 463 U.S. 239, 244 (1983) (noting that pretrial and immigration detainee’s due process rights are at least as great as a convicted prisoner’s Eighth Amendment rights against cruel and unusual punishment). To determine whether a particular restriction imposed on an immigration detainee comports with due process, a court must determine whether the restriction is punitive or reasonably related to a legitimate and nonpunitive governmental purpose. See *Bell v. Wolfish*, 441 U.S. 520, 535-36 (1979); see also *Estelle v. Gamble*, 429 U.S. 97, 103 (1976) (discussing constitutional right to adequate health care); *Woodward v. Correctional Medical Servs.*, 368 F.3d 917 (7th Cir. 2004) (finding that right to adequate health care includes mental health); *Cruz v. Beto*, 405 U.S. 319, 322 n.2 (1972) (“reasonable opportunities must be afforded to all prisoners to exercise the religious freedom guaranteed by the First and Fourteenth Amendment without fear of penalty”).

Privilege and required transparency. Our communications with CBP personnel and documents generated during this review, particularly the final report, will be protected to the maximum extent possible by attorney-client and deliberative process privileges as well as any other applicable privileges. Under 6 U.S.C. § 345(b), however, we submit an annual report to Congress—also posted on CRCL’s website—that is required to detail “any allegations of [civil rights/civil liberties] abuses . . . and any actions taken by the Department in response to such allegations.”

We look forward to working with your staff on this matter and will report back to you our findings and any recommendations.

SCOPE OF REVIEW

The purpose of our review is to determine if the allegations in the complaints can be verified or disproven; if the facts we find suggest that the Constitution, a federal statute, or a Departmental policy has been violated; and what steps if any should be taken by CBP to address the complaints, both individually (if the problem is ongoing) and as a matter of policy. This review will also examine the additional areas specified above for similar concerns related to protection of civil rights and civil liberties.

QUESTIONS PRESENTED

(b)(5) The investigation will cover whether CBP employees or officials conformed to CBP policies and procedures, and to civil rights requirements, in the treatment of UAC apprehended and in custody in the names Border Patrol stations within the RGV Sector. In particular, we will review the treatment of UAC within the following areas of concern:

- Apprehension/use of force;
- Verbal and physical abuse;
- Processing/credible fear and trafficking screening;
- Age determination process;
- Medical screening/medical care (infants, young children, pregnant females);
- Telephone access (family, consulate);
- Body searches;
- Hold room placement (separation of family members, separation of UAC by age group, separation UAC from unknown adults, overcrowding);
- Hold room conditions (cleanliness, blankets/bedding, temperature control, snacks/meals by age group);
- Personal hygiene;
- Pregnant UAC care;
- Infant care;
- Sexual abuse and assault prevention and intervention;
- Language access (LEP);
- ICE FOJC notification and ORR placement procedures;
- Recordkeeping (e3, EARM); and
- Training

It is possible that our investigation will reveal other matters of concern; if this occurs, we will inform you.

INITIATING THE INVESTIGATION

The investigation of these complaints is assigned to CRCL Senior Policy Advisors (b)(6). (b)(6) CRCL has requested that Office of Border Patrol staff Agents (b)(6),(b)(7)(C) accompany the CRCL investigation team during this onsite. The onsite investigation is scheduled for the week of August 11, 2014.

We look forward to continuing to work together to determine all the facts surrounding these matters and, if appropriate, the best way forward. If you have any questions, please do not hesitate to contact (b)(6) by phone at 202-357-(b)(6) 866-644-8361 (TTY) or by email at (b)(6)@hq.dhs.gov, or (b)(6) by phone at 202-357-(b)(6) or by email at (b)(6)@hq.dhs.gov.

Copies to:

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Chief, U.S. Border Patrol
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Enclosures



OFFICE FOR CIVIL RIGHTS & CIVIL LIBERTIES (CRCL)
REFERRED COMPLAINT ASSISTANCE FORM

Information/Documents requested by DHS CRCL:	<ul style="list-style-type: none">• (b)(5) Copies of all e3 records and other juvenile logs from all stations at which the UACs were held, to include the following information: time in/time out at each station; meals/snacks served and times they were served at each station; all shower/bathing opportunities provided both UACs at each station; the types of drinks provided at each station, including milk; any medical care or health checks provided at each station; and any other amenities afforded to the UACs.• A complete copy of both UACs' A-file documents and any other records regarding their detention and the duration of time they were detained.• Copies of records demonstrating when the ICE FOJC was informed of the need for bed space for the UACs, as well as records demonstrating when ORR reported space availability for the UACs.
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Law Enforcement Sensitive

From: (b)(6)
To: [CRCLCompliance](#)
Subject: FW: DHS Abuse Allegation
Date: Monday, June 24, 2013 11:30:57 AM
Attachments: [SIR - \(b\)\(6\).pdf](#)

(b)(6)
Senior Policy Advisor
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security Headquarters
Washington, DC 20005
202-357-(b)(6)
(b)(6) [@dhs.gov](#)



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From: (b)(6) ACF) [mailto:(b)(6)@acf.hhs.gov]
Sent: Friday, June 21, 2013 6:44 PM
To: (b)(6)
Subject: FW: DHS Abuse Allegation

It appears this occurred in Texas.

(b)(6)
DHHS/ACF/ORR/DUCS
Federal Field Specialist Supervisor
2900 Louisiana Street
Houston, TX 77006
PH: 202-(b)(6)
www.acf.hhs.gov/programs/orr/

From: (b)(6),(b)(7)(C) IA)
Sent: Thursday, July 25, 2013 7:55 AM
To: JOINT INTAKE
Subject: FW: Referral Documents for CRCL Complaint 13-09-CBP-0207
Attachments: CRCL 13-09-CBP-0207 Referral Memo.pdf; CRCL 13-09-CBP-0207 - Referral Form .pdf; incoming complaint 13-09-CBP-0207.pdf

From: (b)(6)
Sent: Wednesday, July 24, 2013 02:46 PM
To: (b)(6),(b)(7)(C)
Cc: (b)(6) DCRTASKING; (b)(6),(b)(7)(C); (b)(6)
(b)(6) Blumberg, Jeffrey; (b)(6)
Subject: Referral Documents for CRCL Complaint 13-09-CBP-0207

Hello Mr. (b)(6),(b)(7)(C)

Please find attached the CRCL correspondence in reference to Complaint Number 13-09-CBP-0207.

Thank you,

(b)(6)
Complaints Manager
Office for Civil Rights and Civil Liberties
Department of Homeland Security
Washington, DC 20528
Phone: (202) 357- (b)(6)
Fax: (202) 401- (b)(6)



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Homeland
Security

DATE: July 24, 2013

MEMORANDUM FOR:

(b)(6), (b)(7)(C)

Office of Internal Affairs
U.S. Customs and Border Protection

Scott Falk
Acting Chief Counsel
U.S. Customs and Border Protection

FROM:

Jeffrey S. Blumberg
Director, Compliance Branch
Office for Civil Rights and Civil Liberties

(b)(6)

Attorney Advisor
Office of General Counsel

SUBJECT:

Complaint No. 13-09-CBP-0207: (b)(6)

(b)(6)

The Office for Civil Rights and Civil Liberties (CRCL) has received a complaint alleging that U.S. Customs and Border Protection (CBP) violated two individuals' civil rights or civil liberties. The purpose of this memorandum is to notify you of the complaint and to inform you that we are referring this complaint to CBP for investigation. We request that the appropriate office within your component complete an inquiry into the enclosed complaint within 180 days of the date of this referral. Please see the attached Referred Complaint Assistance Form for guidance regarding this inquiry.

CRCL authorities. Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, CRCL is charged with investigating and assessing complaints against DHS employees and officials of abuses of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion. The procedures for our investigations and the recommendations they may engender are outlined in Department of Homeland Security (DHS) Management Directive 3500. We have received information concerning the above listed complaint that may fall under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1.

~~Protected by Attorney-Client and Deliberative Process Privileges~~

Access to information. More particularly, 42 U.S.C. § 2000ee-1(d) grants CRCL access to the “information, material, and resources necessary to fulfill the functions” of the office, including the complaint investigation function; Management Directive 3500 further authorizes CRCL to:

- “Notify the relevant DHS component(s) involved of the matter and its acceptance by CRCL, and whether the matter will be handled by CRCL or by the component organization”;
- “Interview persons and obtain other information deemed by CRCL to be relevant and require cooperation by all agency employees”; and
- “Access documents and files that may have information deemed by CRCL to be relevant.”

Reprisals forbidden. In addition, 42 U.S.C. § 2000ee-1(e) forbids any Federal employee to subject a complainant or witness to any “action constituting a reprisal, or threat of reprisal, for making a complaint or for disclosing information to” CRCL in the course of this investigation.

This memorandum and the Referred Complaint Assistance Form are pursuant to these authorities.

Privilege and required transparency. Our communications with CBP personnel and documents generated during this review, particularly the final report, will be protected to the maximum extent possible by attorney-client and deliberative process privileges. Under 6 U.S.C. § 345(b), however, we submit an annual report to Congress—also posted on CRCL’s Web site—that is required to detail “any allegations of [civil rights] abuses . . . and any actions taken by the Department in response to such allegations.”

When the inquiry is complete, please contact CRCL with your component’s findings and recommendations. CRCL will review the matter in accordance with our mission to assist DHS to secure the Nation while preserving individual liberty, fairness, and equality under the law. We look forward to working with your staff on this matter, will notify you when we have closed this complaint, and will provide you with any recommendations resulting from this complaint.

If you have any questions concerning this referral, please do not hesitate to contact my colleague,

(b)(6) by phone at 202-357-(b)(6) 866-644-8360 (TTY), or by email at (b)(6)@dhs.gov.

Enclosure

~~Protected by Attorney-Client and Deliberative Process Privileges~~



OFFICE FOR CIVIL RIGHTS & CIVIL LIBERTIES (CRCL)
REFERRED COMPLAINT ASSISTANCE FORM

REFERRED COMPLAINT ASSISTANCE	
Assigned To:	Customs and Border Protection
Requested From:	DHS Headquarters Office for Civil Rights and Civil Liberties (CRCL)
POC:	(b) (6) Senior Policy Advisor (Compliance), 202-357 (b) (6) (b) (6) @dhs.gov.
Date Referred to CBP:	DATE: July 24, 2013
Deadline to CRCL:	Within 180 days of the date on the attached memo (b) (6)
CRCL Complaint No:	13-09-CBP-0207 (b) (6)
SYNOPSIS	
<p>On June 21, 2013, CRCL received a SIR from HHS/ORR dated June 15, 2013, regarding the treatment of two Unaccompanied Alien Children (UACs) by Border Patrol agents in the Rio Grande Valley (RGV) Sector. According to the SIR, Border Patrol apprehended Ms. (b) (6) age 16, and her brother, (b) (6) age 2, at or around Rio Grande City, Texas on May 8, 2013. Ms. (b) (6) alleges that she and her brother were detained for four days by Border Patrol before being transferred to an ORR facility. She also alleges that while she and her brother were in Border Patrol custody they were not provided blankets or any type of bedding and were forced to sleep on the floor. Ms. (b) (6) further alleges that they were fed only sandwiches with frozen ham, and were not allowed to take a shower or brush their teeth.</p>	
ISSUES/ALLEGATIONS	
Issues/Allegations to be addressed in CBP's Fact Finding Report/ROI submitted to DHS CRCL:	<p>(b)(5),(b)(6)</p> <ul style="list-style-type: none">• Whether Border Patrol agents in the RGV Sector treated the two minors according to existing policy, procedures and law concerning the treatment of UACs in custody?• Whether USBP provided Ms. (b) (6) and her brother (b) (6) (b) (6) with appropriate and timely snacks and meals?<ul style="list-style-type: none">○ If the UACs were fed sandwiches, were those sandwiches appropriately de-thawed prior to serving for consumption?• Whether the UACs were denied access to a shower or the ability to brush their teeth?• Whether the UACs were provided blankets for their use during detention?<ul style="list-style-type: none">○ If not, why were blankets not provided?○ If so, what was the material of each UAC's blanket?• Why were these UACs detained in a Border Patrol station for four days before being transferred to ORR?

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Law Enforcement Sensitive*



**OFFICE FOR CIVIL RIGHTS & CIVIL LIBERTIES (CRCL)
REFERRED COMPLAINT ASSISTANCE FORM**

**Information/Documents
requested by DHS CRCL:**

- (b)(6) Copies of all e3 records and other juvenile logs from all stations at which the UACs were held, to include the following information: time in/time out at each station; meals/snacks served and times they were served at each station; all shower/bathing opportunities provided both UACs at each station; the types of drinks provided at each station, including milk; any medical care or health checks provided at each station; and any other amenities afforded to the UACs.
- A complete copy of both UACs' A-file documents and any other records regarding their detention and the duration of time they were detained.
- Copies of records demonstrating when the ICE FOJC was informed of the need for bed space for the UACs, as well as records demonstrating when ORR reported space availability for the UACs.

*Protected by Attorney-Client and Deliberative Process Privileges
Law Enforcement Sensitive*

From: (b)(6)
To:
Subject: UAC complaint ROI issue for possible recs
Date: Wednesday, February 19, 2014 7:23:00 PM

Hey (b)(6) I got an ROI back today for a referred complaint that (b)(6) worked on regarding two UACs: 13-09-CBP-0207, (b)(6) and her two-year-old brother (b)(6) (b)(6) two El Sal UACs who were apprehended in the RGV Sector.. ORR alleged that they had to sleep on cement floors without blankets or mats, that they were fed frozen ham sandwiches, that they were in USBP custody for nearly 4 ½ days and during that time received no hygiene articles.

1. (b)(5)
- 2.
- 3.
- 4.

(b)(5)

(b)(6)
Senior Policy Advisor
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security Headquarters
Washington, DC 20005
202-357-(b)(6)
(b)(6)@dhs.gov

(b)(6)

From: CRCL_DHSOIGHotline
Sent: Friday, July 05, 2013 8:00 AM
To: (b)(6) CRCL_DHSOIGHotline
Cc: (b)(6)
Subject: RE: CRCL Complaint Number 13-09-CBP-0207
Follow Up Flag: Follow up
Flag Status: Flagged

Office of Inspector General
U.S. Department of Homeland Security



The below information has been reviewed and is returned for whatever administrative action or inquiry you consider appropriate. Should any administrative or personnel action result from your response to this information, you are requested to report the final result of that action within 30 business days of its conclusion.

If your review of this matter discloses evidence of previously unreported criminal misconduct that is reportable under Management Directive 0810.1, you are required to notify this office of that information before any additional investigative steps are taken.

From: (b)(6) [redacted]@hq.dhs.gov
Sent: Tuesday, July 02, 2013 10:29 AM
To: CRCL_DHSOIGHotline
Cc: (b)(6) [redacted]
Subject: CRCL Complaint Number 13-09-CBP-0207

DHS OIG,

Summary of new complaint for your review:

THIS MATTER INVOLVES UNACCOMPANIED MINORS. On June 21, 2013, CRCL received by email a Significant Incident Report (SIR) from the U.S. Department of Health and Human Services Office of Refugee Resettlement (HHS ORR) dated May 15, 2013 regarding two unaccompanied alien children (UACs): 16 year old (b)(6) and her 2 year old brother (b)(6). The UACs were apprehended in the Rio Grande Valley, Texas

Border Patrol Sector on May 8, 2013. The older UAC (b)(6) alleges that herself and her brother were made to sleep on the floor without blankets, were fed only sandwiches with frozen ham, and were not allowed to brush their teeth or take showers while detained for approximately 4 days with Border Patrol (BP). The two UACs were transferred to HHS on May 12, 2013.

Notes: EARM Records indicate both UACs (b)(6) were reunified with their mother June 7, 2013. The EARM record for the younger UAC uses the name (b)(6) even though in his sister's EARM record he is referred to as (b)(6), he is not referred to by name in the SIR.

Thank you.

(b)(6)
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security
202-357-(b)(6)
202-809-(b)(6) (c)
(b)(6) @hq.dhs.gov

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From: (b)(6)@acf.hhs.gov]
Sent: Friday, June 21, 2013 6:43 PM
To: (b)(6)
Subject: FW: DHS Abuse Allegation

(b)(6)

Please let me know if you want these types of SIRS reported to you. I am not sure if these types can be investigated.

(b)(6)
DHHS/ACF/ORR/DUCS
Federal Field Specialist Supervisor
2900 Louisiana Street
Houston, TX 77006
PH: 202- (b)(6)
www.acf.hhs.gov/programs/orr/

hank you.

From: (b)(6)
To:
Cc:
Subject: FW: DHS Abuse Allegation
Date: Monday, June 24, 2013 1:34:26 PM

Hello (b)(6)

Please save this email chain as an internal email for the UAC (b)(6) matter that we received from HHS.

Thank you

(b)(6)
U.S. Department of Homeland Security
Blackberry: (202) (b)(6)
(b)(6) @hq.dhs.gov

From: (b)(6)
Sent: Monday, June 24, 2013 11:55 AM
To: (b)(6)
Subject: RE: DHS Abuse Allegation

Okay, I will get this processed and note that HHS ORR was asked for additional information regarding the complaint.

From: (b)(6)
Sent: Monday, June 24, 2013 11:53 AM
To: (b)(6)
Subject: RE: DHS Abuse Allegation

(b)(5)

You can go ahead and process the complaint, but let's let (b)(6) figure it out in the meantime.

(b)(6)

(b)(6)

Senior Policy Advisor
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security Headquarters
Washington, DC 20005
202-357- (b)(6)

(b)(6)@dhs.gov



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From: (b)(6)
Sent: Monday, June 24, 2013 11:48 AM
To: (b)(6)
Subject: RE: DHS Abuse Allegation

Hello (b)(6)

According to EARM records the UAC (b)(6) was apprehended by Border Patrol on May 8, 2013 near Riviera, Texas, then processed at a Border Patrol Checkpoint near Sarita, Texas. On May 10, 2013 the UAC was in custody at Harlingen hold room, then Catholic Charities in Houston on May 11, 2013.

From: (b)(6)
Sent: Monday, June 24, 2013 11:29 AM
To: (b)(6) (ACF)
Cc:
Subject: RE: DHS Abuse Allegation

Unfortunately, there is no way to conduct a productive investigation of these types of allegations. However, we do information layer them for trend data collection. In this case it would be layered under "UAC and verbal abuse."

(b)(5)

By the way, I want to introduce you to (b)(6) in CRCL. (b)(6) has a background with the Office of the Secretary working on human trafficking issues, and she's interested in working on UAC complaints here. That will free me up some to work on adult complaints, which we are commonly swamped with. So, you may hear from (b)(6) now and then regarding a UAC allegation reported in one of your SIRs. Her email is (b)(6)@hq.dhs.gov

Best,

(b)(6)

Senior Policy Advisor

Office for Civil Rights and Civil Liberties

U.S. Department of Homeland Security Headquarters

Washington, DC 20005

202-357-

(b)(6)

(b)(6)

@dhs.gov



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Duplicate

From: (b)(6)
Sent: Monday, June 24, 2013 11:29 AM
To: CRCLCompliance
Subject: FW: DHS Abuse Allegation

This is the same SIR that I just sent you in that email to (b)(6)

(b)(6)
Senior Policy Advisor
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security Headquarters
Washington, DC 20005
202-357 (b)(6)
(b)(6) @dhs.gov



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From: (b)(6)@acf.hhs.gov]

Sent: Friday, June 21, 2013 6:43 PM

To: (b)(6)

Subject: FW: DHS Abuse Allegation

(b)(6)

Please let me know if you want these types of SIRS reported to you. I am not sure if these types can be investigated.

(b)(6)

DHHS/ACF/ORR/DUCS
Federal Field Specialist Supervisor
2900 Louisiana Street
Houston, TX 77006
PH: 202-(b)(6)
www.acf.hhs.gov/programs/orr/

Thank you.



Homeland
Security

July 29, 2014

(b)(6)

Federal Field Specialist Supervisor
Division of Unaccompanied Children Services
Office of Refugee Resettlement
Department of Health and Human Services

(b)(6)

[@acf.hhs.gov](mailto:(b)(6)@acf.hhs.gov)

Re: Complaint No. 13-09-CBP-0231

Dear Mr. (b)(6)

On June 21, 2013, the U.S. Department of Homeland Security (DHS) Office for Civil Rights and Civil Liberties (CRCL) received a Significant Incident Report (SIR) from your office regarding the treatment of a UAC by agents of U.S. Customs and Border Protection (CBP).

The UAC reported that he was verbally abused by U.S. Border Patrol Agents who allegedly yelled at him and called him a liar. While CRCL was not able to investigate the allegation of verbal abuse, this Office reviewed the minor's length of time in custody and whether he was appropriately processed and treated as a UAC.

The minor was apprehended at the Sarita, Texas Immigration Checkpoint on May 8, 2013 at 5:00 PM and was booked out of CBP custody on May 10, 2013 at 6:49 AM. In total, the minor was in USBP custody for a total of 1 day, 13 hours, and 49 minutes. CRCL concludes that the length of time the minor spent in CBP custody was within an appropriate timeframe.

A review of records indicates that the minor was immediately treated and screened as a UAC. Records reflect meals were provided and welfare checks were conducted in accordance with policy. CRCL concludes that the minor was appropriately processed and treated as a UAC.

We appreciate you bringing this matter to our attention. If in the future you have concerns relating to civil rights and civil liberties violations by DHS, please contact this Office by phone at 866-644-8360, 866-644-8361 (TTY), or by email at crcl@dhs.gov

Sincerely,

(b)(6)



Director for Compliance
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security

Sent: 10 Feb 2014 15:06:27 +0000

To: JOINT INTAKE

Cc: (b) (6) (IA); PDOTASKING; (b) (6)

(b) (6)

Subject: CRCL Short Form Request for Information (13-09-CBP-0231)

Attachments: 06.21.2013 (b) (6) via_HHS[2].pdf

Dear CBP Colleagues:

The Office for Civil Rights and Civil Liberties (CRCL) has received a Significant Incident Report (SIR) from the Department of Health and Human Services (HHS) Office of Refugee Resettlement (ORR) regarding allegations made by a UAC in its custody. The purpose of this email is to notify you of these allegations, inform you that CRCL will investigate this complaint as a short-form, and request documents and information from CBP relating to the allegations.

On June 21, 2013, CRCL received correspondence from HHS/ORR on behalf of UAC (b) (6) (b) (6) who alleges verbal abused by unknown USBP agents who allegedly yelled at him and called him a liar. According to the I-213 and EARM records, Mr. (b) (6) was apprehended on May 8, 2013 near a farm close to Riviera, Texas, and processed at the Sarita, Texas checkpoint station. On May 10, 2013, the UAC was transferred to the Harlingen Station before being transferred to Catholic Charities in Houston, Texas.

This investigation will cover whether USBP conformed with policy and procedure during Mr. (b) (6) (b) (6) detention, particularly with respect to length of time in custody and his treatment as a minor.

As part of our investigation, we request the following documents and information:

- (b)(5),(b)(6) Copies of all information, records and reports regarding Mr. (b) (6) apprehension and length of time in USBP custody in May 2013.
- Copies of all e3 detention logs and notes for Mr. (b) (6) while he was in USBP custody in May 2013. This should include information demonstrating when USBP contacted the ICE Juvenile Coordinator for a HHS/ORR bedspace assignment, and when USBP received notification that HHS/ORR responded with an assignment.

We would appreciate receiving the documents and information by COB on March 1, 2014. Please let us know if any documents or information do not exist or are not available.

Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, CRCL is charged with investigating and assessing complaints against DHS employees and officials for abuses of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion. The procedures for our investigations and the recommendations they may generate are outlined in DHS Management Directive 3500. More particularly, 42 U.S.C. § 2000ee-1(d) grants this Office access to the "information, material, and resources necessary to fulfill the functions" of the office, including the complaint investigation function; Management Directive 3500 further authorizes CRCL to "[i]nterview[] persons and obtain[] other information deemed by CRCL to be relevant and require[] cooperation by all agency employees" and to "[a]ccess[] documents and files that may have information deemed by CRCL to be relevant." All communications and information submitted

to CRCL are protected to the maximum extent possible by the attorney-client and deliberative process privileges. However, CRCL is required, under 6 U.S.C. § 345(b), to submit an annual report to Congress—also posted on CRCL’s Web site—that is required to detail “any allegations of [civil rights] abuses . . . and any actions taken by the Department in response to such allegations.” Finally, 42 U.S.C. § 2000ee-1(e) prohibits reprisals or threats of reprisal by a federal employee for making complaints to CRCL or for disclosing information to CRCL in the course of its investigations. The request for information above is done in accordance with these authorities.

Thanks,

(b)(6)

Compliance Branch

Office for Civil Rights and Civil Liberties

U.S. Department of Homeland Security

(o) 202 357 (b)(6)

(bb) 202 697

(b)(6) [@associates.hq.dhs.gov](mailto:(b)(6)@associates.hq.dhs.gov)

(b)(6)

From: (b)(6)
Sent: 10 Feb 2014 16:46:46 +0000
To: (b)(6),(b)(7)(C) (OCC); JOINT INTAKE
Cc: (b)(6),(b)(7)(C) (IA); PDOTASKING; (b)(6),(b)(7)(C) (b)(6)
(b)(6)
Subject: RE: CRCL Short Form Request for Information (13-09-CBP-0231)
Attachments: (b)(6)
(b)(6) _EARM_Detention_History[1].pdf, (b)(6)
(b)(6) _EARM_Encounter_Record[1].pdf
Hi (b)(6),(b)(7)(C)

The location and length of detention issue was noticed in the EARM records by the person tasked with initial review of this incoming SIR from HHS ORR. We've have had multiple allegations about length of time in custody for UACs in the RGV. In this particular case, the I-213 and EARM records (attached) reflect that the minor was transported to and held at a checkpoint for two days, which is an unusually long time for a minor to be a checkpoint as opposed to a station.

You'll notice that our request for information is pretty narrow- we basically just want to see (b)(5)
(b)(5) Our interest
in mainly about what was reflected in the I-213/EARM.

Thanks,

(b)(6)

From: (b)(6),(b)(7)(C) (OCC)
Sent: Monday, February 10, 2014 10:29 AM
To: (b)(6) (CTR); JOINT INTAKE
Cc: (b)(6),(b)(7)(C) (IA); PDOTASKING; (b)(6),(b)(7)(C) (b)(6)
(b)(6)
Subject: RE: CRCL Short Form Request for Information (13-09-CBP-0231)

(b)(6)

Was the summary that you attached with this short form investigation notice the only documentation you have of this incident? I note there is no statement provided and nothing that suggests what was allegedly said or when it was said. In addition, there are no allegations about the length of detention, even though your questions specifically address that issue. Did we not get all of the information relating to this claim ?

(b)(6),(b)(7)(C)

Acting Program Manager
Civil Rights and Civil Liberties Program
Privacy and Diversity Office (PDO)
U.S. Customs and Border Protection
954 (b)(6),(b)(7)(C)

(b)(6)

From: (b)(6)
Sent: 10 Feb 2014 08:53:48 -0500
To: (b)(6) (CTR)
Subject: Re: FOR REVIEW: Referral Docs (b)(6) (13-09-CBP-0231)
(b)(5) I don't have any comments.
(b)(6)
Attorney Advisor..
202 (b)(6)

From: (b)(6) (CTR)
Sent: Sunday, February 09, 2014 07:11 PM
To: (b)(6)
Subject: RE: FOR REVIEW: Referral Docs (b)(6) (13-09-CBP-0231)

Hi (b)(6)

I was reflecting on this complaint (b)(5) (b)(6)
approved switching it so please find a short form version of this complaint attached for your
review. You've already seen the referral docs so it's pretty much the same.

Let me know if you need anything else.

Thanks,

(b)(6)

From: (b)(6)
Sent: Monday, February 03, 2014 1:59 PM
To: (b)(6)
Cc: (b)(6)
Subject: RE: FOR REVIEW: Referral Docs (b)(6) (13-09-CBP-0231)

I don't have any comments or edits. Thanks.

(b)(6)

Attorney Advisor

U.S. Department of Homeland Security

Office of General Counsel, Legal Counsel Division

(b)(6) @hq.dhs.gov

Desk: (b)(6)

Cell: 2

Fax: 2

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From: (b)(6) (CTR)
Sent: Monday, February 03, 2014 1:51 PM
To: (b)(6)
Cc: (b)(6)
Subject: FW: FOR REVIEW: Referral Docs (b)(6) (13-09-CBP-0231)

Hi (b)(6) I think this got overlooked, probably because I didn't cc (b)(6) Would one of you take a look at these when you have a chance?

Thanks,

(b)(6)

From: (b)(6) (CTR)
Sent: Tuesday, January 14, 2014 10:36 AM
To: (b)(6)
Cc: (b)(6)
Subject: FOR REVIEW: Referral Docs (b)(6) (13-09-CBP-0231)

Hi (b)(6)

Attached, please find referral docs for (b)(6) for OGC's review. The main issue we're looking
(b)(5)

Let me know if you have questions,

(b)(6)

Compliance Branch
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security
(o) 202 357 (b)(6)
(bb) 202 697 (b)(6)
(b)(6) @associates.hq.dhs.gov

(b)(6)

From: (b)(6)
Sent: 5 Feb 2014 10:22:25 -0500
To: (b)(6)
Cc: (b)(6)
Subject: RE: Request to Switch Refer to Short Form (13-09-CBP-0231)
Agree. Switch it to short form.

From: (b)(6) CTR)
Sent: Tuesday, February 04, 2014 5:44 PM
To: (b)(6)
Cc: (b)(6)
Subject: Request to Switch Refer to Short Form (13-09-CBP-0231)

(b)(6)

We opened a complaint based on a SIR from HHS (attached). The decision was made to refer it but (b)(6) (b)(6) spoke and it may be best to short form the matter. The entirety of the complaint reads:

During clinical admission assessment, (b)(6) disclosed being mistreated by ICE officials at a detention center. Per (b)(6) two Caucasian ICE officials used profanity towards him. Both officials reportedly yelled at him and accused him of being a liar.

(They meant to say CBP, not ICE- he wasn't in ICE custody.)

(b)(5),(b)(6)

(b)(6)

Compliance Branch
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security

(o) 202 357 (b)(6)

(bb) 202 697

(b)(6) @associates.hq.dhs.gov



Homeland Security

To: (b) (6) Director for Compliance, CRCL
From: (b) (6) (CTR), Compliance, CRCL
Date: July 29, 2014
Complaint Number: 13-09-CBP-0231
Complainant Name(A#): (b) (6)

Findings for Closure without Recommendations:

<input checked="" type="checkbox"/> (b) (3) Insufficient information to investigate <input type="checkbox"/> Withdrawal of complaint <input type="checkbox"/> Lack of jurisdiction <input type="checkbox"/> Allegation(s) overtaken by events <input type="checkbox"/> Component and/or facility has already corrected the problem <input checked="" type="checkbox"/> Allegation(s) against component, individual, and/or facility unfounded <input type="checkbox"/> Allegation(s) against component, individual, and/or facility unsubstantiated	<input type="checkbox"/> Allegation(s) substantiated but does not warrant recommendations <input type="checkbox"/> No finding of detention standards violations <input checked="" type="checkbox"/> No finding of policy or procedure violations <input type="checkbox"/> Complaint being handled as part of a related complaint (Related) <input type="checkbox"/> Other (provide details):
---	--

Reason for Closing:

On June 21, 2013, CRCL received correspondence from HHS/ORR on behalf of UAC (b) (6) (b) (6) who alleges verbal abuse by unknown USBP agents who allegedly yelled at him and called him a liar. The records immediately available to CRCL upon receipt of the complaint were unclear regarding where the minor was held, but it appeared he was held at the Sarita, Texas Immigration Checkpoint for 2-3 days following his apprehension by CBP. CRCL opened this complaint to determine whether the minor was held at a checkpoint (as opposed to a station) and whether he was properly treated as a minor.

Through further investigation, it was confirmed that the minor was apprehended at the Sarita, Texas Immigration Checkpoint on May 8, 2013 at 5:00 PM. He was then processed and transported to the Fort Brown Border Patrol Station in Brownsville, Texas to await transfer to ICE-ERO custody on May 8, 2013 at 11:49 PM. He was therefore only at the checkpoint for 6 hours and 49 minutes. The Field Office Juvenile Coordinator (FOJC) and ORR were notified of the minor's arrival at the Ft. Brown Border Patrol Station at 3:00 AM on May 9, 2013. The minor was transferred to ICE-ERO custody and booked out of CBP custody on May 10, 2013 at 6:49 AM. The minor was in USBP custody for a total of 1 Day, 13 Hours, and 49 Minutes. A review of the minor's e3 records show the minor was properly screened as a UAC and was provided with proper meals and welfare checks during his time in CBP.

Based on the above information, I recommend (b)(5) we close this complaint with no further action.

Special Circumstances

None...

Protected by the Deliberative Process Privilege

Recommend Office of General Counsel (OGC) Review (Y/N)

(b) (5)
No.

Suggested Closure Method:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Close Letter to Complainant
<input type="checkbox"/> Phone call (a description of which is documented in Writing)
<input type="checkbox"/> No notification necessary
X Other: Close Letter to HHS ORR. | <input type="checkbox"/> Close email/memo to component
<input type="checkbox"/> High level component communication
<input type="checkbox"/> Close memo (No contact information) |
|--|---|

Supporting Documents Attached:

For Completion by Reviewer:

Closure Recommendation Accepted **X** Not Accepted ☐

(b) (6)



From: [CRCL_DHSOIGHotline](#)
To: (b)(6) [CRCL_DHSOIGHotline](#)
Cc: (b)(6)
Subject: RE: CRCL Complaint Number 13-09-DHS-0231
Date: Friday, July 19, 2013 11:17:39 AM

Office of Inspector General

U.S. Department of Homeland Security



The below information has been reviewed and is returned for whatever administrative action or inquiry you consider appropriate. Should any administrative or personnel action result from your response to this information, you are requested to report the final result of that action within 30 business days of its conclusion.

If your review of this matter discloses evidence of previously unreported criminal misconduct that is reportable under Management Directive 0810.1, you are required to notify this office of that information before any additional investigative steps are taken.

From: (b)(6) [redacted]@hq.dhs.gov]
Sent: Wednesday, July 17, 2013 11:56 AM
To: CRCL_DHSOIGHotline
Cc: (b)(6) [redacted]
(b)(6) [redacted]
Subject: CRCL Complaint Number 13-09-DHS-0231

DHS OIG,

Summary of new complaint for your review:

THIS MATTER INVOLVES AN UNACCOMPANIED MINOR. On June 21, 2013, CRCL received via email a Significant Incident Report (SIR) from the U.S. Department of Health and Human Services Office of Refugee Resettlement (HHS ORR) dated May 14, 2013 regarding unaccompanied alien child (UAC) (b)(6) (b)(6) who alleges verbal abuse by an immigration officer on an unknown date. The UAC was apprehended by Border Patrol in Riviera, Texas on May 8, 2013, transported to the Sarita, Texas Border Patrol Station, transferred to a Harlingen, Texas Hold Room on May 10, 2013, and then transferred to HHS ORR custody on May 11, 2013. Allegedly, two officers yelled profanities at the UAC and accused the UAC of being a liar during processing.

Thank you.

(b)(6)

Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security

(202) 357- (b)(6)

(b)(6)

@hq.dhs.gov

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From: [CRCLCompliance](#)
To: (b)(6)
Cc:
Subject: FW: Non emergency SIR Addendum- (b)(6)
Date: Tuesday, July 02, 2013 12:29:03 PM
Attachments: [FW Non emergency SIR Addendum-](#) (b)(6).msg

Hello (b)(6)

Please process the following new UAC correspondence that was provided to CRCL Front Office via email from HHS ORR.

The EARM records are saved on the shared drive.

Thank you

(b)(6)

-----Original Message-----

From: CRCL
Sent: Thursday, June 20, 2013 2:10 PM
To: CRCLCompliance
Subject: FW: Non emergency SIR Addendum- (b)(6)

Please review and let us know how best to respond.

(b)(6)

Duplicate

From: (b) (6)
To: (b) (6)
Cc: (b) (6)
Subject: FW: CRCL Short Form Complaint 13-09-CBP-0229
Date: Tuesday, December 17, 2013 10:36:03 AM
Attachments: [ROI 201311692 \(CRCL 13-09-CBP-0229\).pdf](#)

Ms (b) (6)

In response to CRCL Short-Form Complaint 13-09-CBP-0229, please see the attached Report of Investigation ROI). While all of the questions posed by CRCL were answered in the ROI, I am providing additional information below for increased clarity:

1. (b)(5) **What food was provided to the UAC at Weslaco?** The Weslaco Station does not keep records on what specific food items are provided to each alien in custody. However, the following items are provided as meals and snacks to detainees:
 - Burritos
 - Bologna sandwiches
 - Microwave Macaroni and Cheese Bowls
 - Fruit Cups
 - Granola Bars
 - Cheese/Peanut Butter Crackers
 - Formula for infants
 - Juice
 - Water
2. **How was water provided to the UAC in the hold room at Weslaco?** Water is provided to all detainees in hold rooms via a stainless steel combination sink/water fountain. In addition, bottled water is provided to detainees with meals, snacks or upon request.
3. **Any existing records of requests or complaints made by the UAC while she was at the Weslaco Station.** There are no records indicating the UAC made any requests or complaints while she was at the Weslaco Station.

Sincerely,

(b) (6)

*Assistant Chief
U.S. Border Patrol HQ
CBP IA/TOD Liaison*

Office: 202- (b) (6)

Cell: 202- (b) (6)

From: (b) (6) (IA)
Sent: Thursday, August 15, 2013 1:43 PM
To: (b) (6)
Cc: (b) (6)
Subject: FW: CRCL Short Form Complaint 13-09-CBP-0229

(b) (6)

File #201311692 corresponds to Short Form 13-09-CBP-0229... The referral will be headed to

Border Patrol for response.

Thanks,

(b) (6)

SUPERVISOR, JOINT INTAKE CENTER
CBP | OFFICE OF INTERNAL AFFAIRS | 202 (b) (6) 202 (b) (6) CELL

From: (b) (6)

Sent: Thursday, August 15, 2013 12:17 PM

To: JOINT INTAKE

Cc: (b) (6)

(OCC); (b) (6) Blumberg, Jeffrey; (b) (6)

DCRTASKING; (b) (6)

Subject: CRCL Short Form Complaint 13-09-CBP-0229

Dear Colleagues,

The DHS Office for Civil Rights and Civil Liberties is initially handling the below matter as a Short Form Complaint.

CRCL Short Form Complaint #13-09-CBP-0229

(b) (6)

On June 17, 2013, CRCL Compliance received a Significant Incident Report (SIR) dated June 9, 2013 from the U.S. Department of Health and Human Services Office of Refugee Resettlement (ORR) regarding UAC (b) (6)

According to EARM records, the UAC was apprehended by BP on May 28, 2013 at 3:00 pm in San Juan, Texas, and transported to Weslaco, Texas BP Station for processing. The SIR states that while the UAC was in BP custody, she did not receive food or water for an entire day despite requesting it several times from one BPA who was Hispanic and another BPA who was Caucasian. She reports that she did receive food and water on May 29, 2013.

Please review the circumstances of this incident as it pertains to the allegations and provide CRCL with your findings, and the following information:

1. (b)(5) Copy of the UAC's I-213
2. E3 detention logs and notes during the period that the UAC was in USBP custody, including feeding logs
3. Statements from the BPAs at Weslaco Station who were on duty while the UAC was in BP custody, in response to the allegations
4. What food was provided to the UAC at Weslaco?
5. How was water provided to the UAC in the hold room at Weslaco?
6. Any existing records of requests or complaints made by the UAC while she was at the Weslaco Station

Please provide your response to me at (b) (6) @hq.dhs.gov. Thank you for your assistance with this request.

Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, CRCL is charged with investigating and

assessing complaints against DHS employees and officials for abuses of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion. The procedures for our investigations and the recommendations they may generate are outlined in DHS Management Directive 3500. More particularly, 42 U.S.C. § 2000ee-1(d) grants this Office access to the “information, material, and resources necessary to fulfill the functions” of the office, including the complaint investigation function; Management Directive 3500 further authorizes CRCL to “[i]nterview[] persons and obtain[] other information deemed by CRCL to be relevant and require[] cooperation by all agency employees” and to “[a]ccess[] documents and files that may have information deemed by CRCL to be relevant.” All communications and information submitted to CRCL are protected to the maximum extent possible by the attorney-client and deliberative process privileges. However, CRCL is required, under 6 U.S.C. § 345(b), to submit an annual report to Congress—also posted on CRCL’s Web site—that is required to detail “any allegations of [civil rights] abuses . . . and any actions taken by the Department in response to such allegations.” Finally, 42 U.S.C. § 2000ee-1(e) prohibits reprisals or threats of reprisal by a federal employee for making complaints to CRCL or for disclosing information to CRCL in the course of its investigations. The request for information above is done in accordance with these authorities.

(b)(6)

Office for Civil Rights & Civil Liberties
Department of Homeland Security
(202) 357- (b)(6) (phone)
(202) 253- (b)(6) (bb)
(b)(6) @hq.dhs.gov



**Homeland
Security**

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Homeland
Security

March 26, 2014

(b)(6)

Federal Field Specialist
Department of Human Health and Service
Office of Refugee Resettlement
(b)(6)@acf.hhs.gov

Re: Complaint No. 13-09-CBP-0229; (b)(6)

Dear Mr. (b)(6)

This letter is in response to the information the U.S. Department of Homeland Security's (DHS) Office for Civil Rights and Civil Liberties (CRCL) received from the U.S. Department of Human Health and Services Office of Refugee Resettlement, in regard to information you submitted on behalf of (b)(6) Ms. (b)(6) alleged that U.S. Border Patrol agents denied her both food and water for the entire day of May 28, 2013.

Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, CRCL has the responsibility to review and assess complaints against DHS employees and officials concerning violations of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion. Accordingly, CRCL requested information from CBP related to Ms. (b)(6) allegations. In response, CBP reviewed relevant documentation, conducted interviews with the agents involved, and reviewed Ms. (b)(6) apprehension records. CRCL has reviewed CBP's documentation, including an investigation CBP separately initiated into the matter which found that CBP was not able to substantiate allegations that U.S. Border Patrol agents denied her food and water on that date.

Regarding the food allegation, the Weslaco Border Patrol Station and the Fort Brown Border Patrol Station, both of which had custody of Ms. (b)(6) on May 28, 2013, documented in Ms. (b)(6) apprehension records the distribution of and her acceptance of four meals throughout the day on May 28, 2013. Additionally, CRCL reviewed the interviews with the Weslaco Border Patrol Station agents on duty while Ms. (b)(6) was in U.S. Border Patrol custody which state that the agents did not deny food to juveniles.

Regarding the allegation that she was denied water, the Weslaco Border Patrol Station supplies water by a stainless steel sink/water fountain found in holding rooms, and at both the Weslaco and Fort Brown stations a drink is also provided with every meal and upon request.

Based on this Office's review of the facts and circumstances presented in this matter, we have concluded that Ms. (b)(6) concerns have been addressed and we are closing her complaint. We thank you for your complaint; inquiries like this one help the Department of Homeland Security meet its obligation to protect civil rights and civil liberties.

Sincerely,

(b)(6)

Acting Director, Compliance Branch
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security

From: [CRCL_DHSOIGHotline](#)
To: (b)(6) CRCL_DHSOIGHotline
Cc: (b)(6)
Subject: RE: CRCL Complaint Number 13-09-CBP-0229
Date: Friday, July 19, 2013 11:20:01 AM

Office of Inspector General

U.S. Department of Homeland Security



**Homeland
Security**

The below information has been reviewed and is returned for whatever administrative action or inquiry you consider appropriate. Should any administrative or personnel action result from your response to this information, you are requested to report the final result of that action within 30 business days of its conclusion.

If your review of this matter discloses evidence of previously unreported criminal misconduct that is reportable under Management Directive 0810.1, you are required to notify this office of that information before any additional investigative steps are taken.

From: (b)(6)@hq.dhs.gov]
Sent: Wednesday, July 17, 2013 11:36 AM
To: CRCL_DHSOIGHotline
Cc: (b)(6)
(b)(6)
Subject: CRCL Complaint Number 13-09-CBP-0229

DHS OIG,

Summary of new complaint for your review:

THIS MATTER INVOLVES AN UNACCOMPANIED MINOR. On June 17, 2013, CRCL received via email a Significant Incident Report (SIR) dated June 9, 2013 from the U.S. Department of Health and Human Services Office of Refugee Resettlement (HHS ORR) regarding unaccompanied alien child (UAC) (b)(6) (b)(6) who alleges denial of food and water during detention by Border Patrol. The UAC was apprehended by Border Patrol on May 28, 2013 in San Juan, Texas, transported to Weslaco, Texas Border Patrol Station for processing, transferred to Harlingen Hold Room on May 29, 2013, and then HHS ORR custody on May 29, 2013. Allegedly, UAC (b)(6) did not receive food or water for an entire day while detained by Border Patrol despite requesting it several times. UAC (b)(6) stated that one Border Patrol agent was Hispanic and another was Caucasian. The UAC reports that Border Patrol did provide her food and water the following day on May

29, 2013.

Thank you.

(b)(6)

Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security

(202) 357- (b)(6)

(b)(6) [@hq.dhs.gov](mailto:(b)(6)@hq.dhs.gov)

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Homeland Security

To: (b) (6)
From: (b) (6)
Date: March 26, 2014
Complaint Number: 13-09-CBP-0229
Complainant Name(A#): (b) (6)

Finding(s) for Closure without Recommendations - (check all that apply):

<input type="checkbox"/> Insufficient information to investigate	<input type="checkbox"/> Allegation(s) substantiated but does not warrant recommendations
<input type="checkbox"/> Withdrawal of complaint	<input type="checkbox"/> No finding of detention standards violations
<input type="checkbox"/> Lack of jurisdiction	<input checked="" type="checkbox"/> No finding of policy or procedure violations
<input type="checkbox"/> Allegation(s) overtaken by events	<input type="checkbox"/> Complaint being handled as part of a related complaint (Related)
<input type="checkbox"/> Component and/or facility has already corrected the problem	<input type="checkbox"/> Other (provide details):
<input type="checkbox"/> Allegation(s) against component, individual, and/or facility unfounded	
<input checked="" type="checkbox"/> Allegation(s) against component, individual, and/or facility unsubstantiated	

Reason for Closing:

On June 17, 2013, CRCL received a complaint alleging that on May 28, 2012, UAC (b) (6) was denied both food and water even after requesting it, by Border Patrol Agents (BPAs) at the Weslaco Border Patrol Station.

To address these allegations on August 15, 2013, CRCL requested information from CBP related to Ms. (b) (6) allegations. On December 17, 2013, CRCL received CBP's documentation, including a report of investigation, e3 records, apprehension records, and statements from the apprehending agent, the processing agent and the agents on duty at the time of (b) (6) time in custody on May 28, 2013. CBP concluded its inquiry and was unable to substantiate these allegations.

Regarding the first allegation that Border Patrol agents denied food to (b) (6) the Weslaco Border Patrol Station and the Fort Brown Border Patrol Station documented in (b) (6) e3 detention logs the distribution and her acceptance of four meals on May 28, 2013. The documented meal times were as follows: 8:01 am, 12:40 pm, 1:00 pm, and 5:38 pm. The first meal was received at the Weslaco Border Patrol Station and the other three meals are documented as received at the Fort Brown Border Patrol Station. CRCL reviewed the interviews with the Weslaco Border Patrol Station agents on duty while (b) (6) was in custody which state that the agents did not deny food to juveniles.

Regarding the allegation that (b) (6) was denied water, the Weslaco Border Patrol Station supplies water by a stainless steel sink/water fountain found in holding rooms, and at both Weslaco Border Patrol Station and Fort Brown Border Patrol Station an additional drink is also supplied with every meal when requested.

Protected by the Deliberative Process Privilege.

(b)(5),(b)(6)

Accordingly CBP did not substantiate the allegations that (b) (6) did not receive food or water while in CBP custody on May 28, 2013.

Special Circumstances

Recommend Office of General Counsel (OGC) Review (Y/N)

If Yes- provide a brief explanation

Suggested Closure Method(s) (check all that apply):

- | | |
|--|--|
| <input checked="" type="checkbox"/> Close Letter to Complainant | <input type="checkbox"/> Close email/memo to component |
| <input type="checkbox"/> Phone call (a description of which is documented in Writing | <input type="checkbox"/> High level component communication |
| <input type="checkbox"/> No notification necessary | <input type="checkbox"/> Close memo (No contact information) |
| <input type="checkbox"/> Other (provide details) | |

Supporting Documents Attached:

Close Letter	
CBP ROI	

For Completion by Reviewer:

Closure Recommendation Accepted X Not Accepted ☐

(b) (6)

(b)(6)

Sent: 26 Mar 2014 11:50:49 -0400

To: (b)(6)

Cc:

Subject: RE: FOR REVIEW: Draft Close letter complaint no. 13-09-CBP-0229

Attachments: CRCL Close Letter Complaint No 13-09-CBP-0229.pdf, Closure Without Rec
Memo Complaint No 13-09-CBP-0229.pdf

Hello (b)(6)

Attached are your finalized documents, I'll be mailing the letter today.

Tks

(b)(6)

From: (b)(6)

Sent: Tuesday, March 25, 2014 2:17 PM

To: (b)(6)

Cc:

Subject: RE: FOR REVIEW: Draft Close letter complaint no. 13-09-CBP-0229

Hello (b)(6)

Attached complaint close documents approved by (b)(6) ready for final signature
and sending.

Thank you

(b)(6)

Office for Civil Rights & Civil Liberties

Department of Homeland Security

(202) 357- (b)(6) (phone)

(202) 253- (b)(6) (bb)

(b)(6) @hq.dhs.gov



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From: (b)(6)
Sent: Tuesday, March 25, 2014 1:23 PM
To: (b)(6)
Cc: (b)(6)
Subject: RE: FOR REVIEW: Draft Close letter complaint no. 13-09-CBP-0229

On minor change to the memo – letter looks good. Please send.

Thanks!

(b)(6)
Acting Director Compliance Branch
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security

Tel (202) 357 (b)(6)

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From: (b)(6)
Sent: Tuesday, March 25, 2014 1:03 PM
To: (b)(6)
Cc: (b)(6)
Subject: RE: FOR REVIEW: Draft Close letter complaint no. 13-09-CBP-0229

Hello (b)(6)

I have responded to your comments and made edits to clarify that CRCL handled the complaint as a short form. I have attached updated version of the letter and memo for your review. Please let me know if they are ready to be finalized.

Thank you

(b)(6)
Office for Civil Rights & Civil Liberties
Department of Homeland Security
(202) 357 (b)(6) (phone)
(202) 253 (b)(6) (bb)
(b)(6) @hq.dhs.gov



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From: (b)(6)
Sent: Tuesday, March 25, 2014 12:32 PM
To: (b)(6)
Cc: (b)(6)
Subject: RE: FOR REVIEW: Draft Close letter complaint no. 13-09-CBP-0229

Great!

(b)(6)
Acting Director Compliance Branch
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security

Tel (202) 357- (b)(6)

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From: (b)(6)
Sent: Tuesday, March 25, 2014 12:31 PM
To: (b)(6)
Cc: (b)(6)
Subject: RE: FOR REVIEW: Draft Close letter complaint no. 13-09-CBP-0229

It was a short form matter, so I will change the language similar to the other recent close edits that you provided me.

(b)(6)
Office for Civil Rights & Civil Liberties
Department of Homeland Security
(202) 357- (b)(6) (phone)
(202) 253- (b)(6) (bb)
(b)(6) @hq.dhs.gov



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From: (b)(6)
Sent: Tuesday, March 25, 2014 12:28 PM
To: (b)(6)
Cc: (b)(6)
Subject: RE: FOR REVIEW: Draft Close letter complaint no. 13-09-CBP-0229

(b)(6)

I am assuming this complaint was referred from the language used – so I asked for a few clarifications to the memo and the letter.

Thanks –

(b)(6)

Acting Director Compliance Branch
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security

Tel (202) 357- (b)(6)

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From: (b)(6)
Sent: Wednesday, March 19, 2014 9:48 AM
To: (b)(6)
Cc: (b)(6)
Subject: FW: FOR REVIEW: Draft Close letter complaint no. 13-09-CBP-0229

Hello (b)(6)

For your review the attached draft close documents for Complaint No. 13-09-CBP-0229.

Thank you

(b)(6)

Office for Civil Rights & Civil Liberties
Department of Homeland Security
(202) 357-(b)(6) (phone)
(202) 253-(b)(6) (bb)
(b)(6)@hq.dhs.gov



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From: (b)(6)

Sent: Friday, February 21, 2014 5:31 PM

To: (b)(6)

Cc: (b)(6)@HQ.DHS.GOV)

Subject: RE: FOR REVIEW: Draft Close letter complaint no. 13-09-CBP-0229

Hello (b)(6)

I just wanted to follow-up on your review of the attached draft close documents for Complaint No. 13-09-CBP-0229.

Please let me know if you have any questions.

Thank you

(b)(6)

Office for Civil Rights & Civil Liberties
Department of Homeland Security
(202) 357-(b)(6) (phone)
(202) 253-(b)(6) (bb)
(b)(6)@hq.dhs.gov



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From: (b)(6)
Sent: Thursday, January 30, 2014 1:03 PM
To: (b)(6)
Cc: (b)(6) [@HQ.DHS.GOV](mailto:(b)(6)@HQ.DHS.GOV)
Subject: FOR REVIEW: Draft Close letter complaint no. 13-09-CBP-0229

Hello (b)(6)

Attached for your review and approval is a draft close letter and memo without recommendations for Complaint No. 13-09-CBP-0229. (b)(6) has already reviewed the document and (b)(6) has incorporated all of his edits.

Thank you

(b)(6)
Office for Civil Rights & Civil Liberties
Department of Homeland Security
(202) 357- (b)(6) (phone)
(202) 253- (b)(6) (bb)
(b)(6) [@hq.dhs.gov](mailto:(b)(6)@hq.dhs.gov)



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From: (b)(6)
Sent: Thursday, January 30, 2014 12:48 PM
To: (b)(6)
Cc: (b)(6)
Subject: FW: FOR REVIEW: Draft Close letter complaint no. 13-09-CBP-0229

Ok please forward clean copies to (b)(6) for review and cc: me.

Thanks!

(b)(6)

From: (b)(6)

Sent: Thursday, January 30, 2014 12:33 PM

To: (b)(6)

Cc: (b)(6)

Subject: RE: FOR REVIEW: Draft Close letter complaint no. 13-09-CBP-0229

(b)(6)

Changes have been accepted for the letter. Here are both files back for your approval.

Thanks!

(b)(6)

From: (b)(6)

Sent: Thursday, January 30, 2014 12:21 PM

To: (b)(6)

Cc: (b)(6)

Subject: RE: FOR REVIEW: Draft Close letter complaint no. 13-09-CBP-0229

(b)(6)

The memo is fine. A few minor/formatting edits to the letter.

Thanks.

(b)(6)

From: (b)(6)

Sent: Thursday, January 30, 2014 12:13 PM

To: (b)(6)

Cc: (b)(6)

Subject: RE: FOR REVIEW: Draft Close letter complaint no. 13-09-CBP-0229

Here are the updated versions for your approval. Thanks!

(b)(6)

From: (b)(6)

Sent: Tuesday, January 28, 2014 12:25 PM

To: (b)(6)

Cc: (b)(6)

Subject: FW: FOR REVIEW: Draft Close letter complaint no. 13-09-CBP-0229

Hi (b)(6)

Please see edits to memo and letter. Please apply these types of changes to future memos and close letters.

Thanks and hope you are feeling better soon.

(b)(6)

From: (b)(6)
Sent: Monday, January 27, 2014 1:54 PM
To: (b)(6)
Cc: (b)(6)
Subject: FOR REVIEW: Draft Close letter complaint no. 13-09-CBP-0229

Hello (b)(6)

Attached is a draft close letter for Complaint No. 13-09-CBP-0229 for your review.

Thank you

(b)(6)
Office for Civil Rights & Civil Liberties
Department of Homeland Security
(202) 357- (b)(6) (phone)
(202) 253- (b)(6) (bb)
(b)(6) @hq.dhs.gov



Homeland
Security

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From: (b)(6)
Sent: Monday, January 27, 2014 1:44 PM
To: (b)(6)
Subject: RE: Drafts for 13-09-CBP-0229

Here are the cleaned up versions.

Thanks!

(b)(6)

From: (b)(6)
Sent: Monday, January 27, 2014 1:21 PM
To: (b)(6)
Subject: RE: Drafts for 13-09-CBP-0229

Hey (b)(6)

In going over the documents all the edits made sense and I can see where simplification or condensing was needed. I am sending you back both documents with a couple edits on my end that are related to tense more than anything. Not sure if they are important enough to warrant change but thought I would point them out and let you decide.

Thank you.

(b)(6)
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security
202-357 (b)(6)
(b)(6) @hq.dhs.gov

From: (b)(6)
Sent: Monday, January 27, 2014 12:51 PM
To: (b)(6)
Subject: RE: Drafts for 13-09-CBP-0229

Hello (b)(6)

I had a few edits to the memo and letter for this matter. Some areas I tried to simplify and other areas utilize common terminology for BP matters. Please review my edits. Let me know if you have additional edits. If you do not have additional edits, then please send me back a clean version of each.

If you have time today, I will stop by to go through the edits with you and any questions.

Thank you

(b)(6)
Office for Civil Rights & Civil Liberties
Department of Homeland Security
(202) 357 (b)(6) (phone)
(202) 253 (b)(6) (bb)
(b)(6) @hq.dhs.gov



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FOUO information and is not to be released to the public or other personnel who do not have a valid "need-to-know" without prior approval of an authorized DHS official.

From: (b)(6)
Sent: Thursday, January 16, 2014 10:59 AM
To: (b)(6)
Subject: RE: Drafts for 13-09-CBP-0229

My apologies I did send you the examples instead of the drafts. Here are the correct attachments

(b)(6)

From: (b)(6)
Sent: Thursday, January 16, 2014 10:17 AM
To: (b)(6)
Subject: RE: Drafts for 13-09-CBP-0229

The draft close documents do not appear to be for the 13-09-cbp-0229 complaint. Did you attach the incorrect draft?

(b)(6)
Office for Civil Rights & Civil Liberties
Department of Homeland Security
(202) 357- (b)(6) phone)
(202) 253- (b)(6) bb)
(b)(6) @hq.dhs.gov



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From: (b)(6)
Sent: Wednesday, January 15, 2014 1:03 PM
To: (b)(6)
Subject: Drafts for 13-09-CBP-0229

These are the two drafts for the closure forms. I left the to and from blank on the Closure without rec memo as I was unsure of who to address to and from.

The close letter is missing the to as well as dear. I will be adding that in. I just wanted to go ahead and send them to you to see what corrections need to be made. Thanks!

(b)(6)
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security
202-357-(b)(6)
(b)(6)@hq.dhs.gov

From: (b)(6)
To: (b)(6)
Cc: [Blumberg, Jeffrey](#); (b)(6)
Subject: RE: For Review: Short Form Complaint Number 13-09-CBP-0229
Date: Wednesday, August 07, 2013 10:22:19 AM
Attachments: (b)(6) [edits Short Form Complaint 13-09-CBP-0229 Notification Email Draft 08 06 13.docx](#)

(b)(6)

Please see attached question. I don't need to see again. Please copy me on the email to the component.

Also, in the future, please attach the incoming complaint to the email (it just makes it go quicker for me).

Thanks.

(b)(6)

Attorney Advisor

U.S. Department of Homeland Security

Office of General Counsel, Legal Counsel Division

(b)(6)

[@hq.dhs.gov](#)

Desk: 248

Cell: 202.

Fax: 248.

This message may contain attorney-client communications, attorney work product, and agency deliberative communications, all of which may be privileged and not subject to disclosure outside the agency or to the public. Please consult with the Department of Homeland Security, Office of the General Counsel before disclosing any information contained in this email.

From: (b)(6)
Sent: Tuesday, August 06, 2013 4:27 PM
To: (b)(6)
Cc: [Blumberg, Jeffrey](#); (b)(6)
Subject: For Review: Short Form Complaint Number 13-09-CBP-0229

Hello (b)(6)

I have attached for your review the draft short form notification email for Complaint Number 13-09-CBP-0229.

Thank you

(b)(6)

(b)(6)

Office for Civil Rights & Civil Liberties

Department of Homeland Security

(202) 357 (b)(6) (phone)

(202) 253 (b)(6) (bb)

(b)(6) @hq.dhs.gov



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From: CRCLCompliance
To: (b)(6)
Cc:
Subject: FW: SIR (b)(6)
Date: Tuesday, July 09, 2013 1:38:43 PM
Attachments: SIR - (b)(6).pdf

Hello (b)(6)

Please process the following new UAC correspondence that was provided to CRCL via email from HHS.

The EARM records are saved on the shared drive.

Thank you

(b)(6)

From: (b)(6)
Sent: Tuesday, July 02, 2013 10:31 AM
To: CRCLCompliance
Subject: FW: SIR (b)(6)

New UAC complaint.

(b)(6)

Senior Policy Advisor
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security Headquarters
Washington, DC 20005
202-357 (b)(6)
(b)(6)@dhs.gov



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From: (b)(6)@acf.hhs.gov]
Sent: Monday, July 01, 2013 7:18 PM
To: (b)(6)
Subject: FW: SIR (b)(6)

Here is an SIR for Phoenix.

(b)(6)

DHHS/ACF/ORR/DUCS

Federal Field Specialist Supervisor

2900 Louisiana Street

Houston, TX 77006

PH: 202- (b)(6)

www.acf.hhs.gov/programs/orr/

From: [CRCL Compliance](#)
To: [\(b\)\(6\)@americanbar.org](#)
Subject: Follow-up DHS CRCL Contact-DHS-13-0511
Date: Friday, January 30, 2015 2:58:00 PM
Attachments: [Contact-DHS-13-0511 \(07.18.2013\).pdf](#)

Dear Ms. [\(b\)\(6\)](#)

Please see the attached correspondence from the U.S. Department of Homeland Security's Office for Civil Rights and Civil Liberties. Thank you.

Sincerely,

Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security



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Homeland
Security

January 30, 2015

Via Electronic Mail

(b)(6)
ProBAR South Texas Pro Bono Asylum Representation Project
119 W. Van Buren, (b)(6)
Harlingen, TX 78550
(b)(6) @americanbar.org

Re: Contact No. Contact-DHS-13-0511 (b)(6)

Dear Ms. (b)(6)

The U.S. Department of Homeland Security's (DHS) Office for Civil Rights and Civil Liberties (CRCL) received prosperous information from you on July 18, 2013 on behalf of (b)(6).
(b)(6) Thank you for bringing your concerns to our attention.

After carefully reviewing the information you provided, CRCL has recorded the issues you have raised in our database so that we can track those issues in order to identify patterns of violations of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion by employees and officials of the Department of Homeland Security. CRCL will take no further action on your information at this time. For more information about CRCL's roles and responsibilities, please visit our website at <http://www.dhs.gov/crcl>.

Please be advised that CRCL does not provide individuals with legal or procedural rights or remedies. Accordingly, CRCL is not able to obtain any legal remedies or damages on (b)(6) behalf. Instead, we use information in correspondence like yours to find and address problems in DHS policy and its implementation. If you believe your rights have been violated, you may wish to consult an attorney. There may be time limitations that govern how quickly you need to act to protect your interests.

Please note that Federal law forbids retaliation or reprisal by any Federal employee against a person who makes a complaint or discloses information to CRCL. 42 U.S.C. § 2000ee-1(e). If you believe that you or someone else is a victim of such a reprisal, please contact us immediately.

Thank you again for contacting the Office for Civil Rights and Civil Liberties. Inquiries like yours help DHS meet its obligation to protect civil rights and civil liberties.

Sincerely,

Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security

From: (b) (6)
To: JOINT INTAKE
Cc: (b) (6)
Subject: CRCL Short Form Complaint 13-11-CBP-0295
Date: Wednesday, January 22, 2014 12:15:00 PM

Dear Colleagues,

The DHS Office for Civil Rights and Civil Liberties is initially handling the below matter as a Short Form Complaint.

CRCL Short Form Complaint # 13-11-CBP-0295

(b) (6)

On August 23, 2013, CRCL received email correspondence from the Children's Project South Texas Pro Bono Asylum Representation Project (ProBAR) on behalf of unaccompanied minor (UAC) (b) (6). According to EARM records, UAC (b) (6) was apprehended by BPAs on July 29, 2013 in Falfurrias, Texas, then transported to Falfurrias BP Station for further processing. Allegedly, on July 29, 2013 at the Falfurrias Station, the UAC reports that she was mistreated by BPAs and was placed in a holding cell with unrelated female adults, until the adults and minors were separated from each other the following day. According to EARM, the UAC was booked in to HHS ORR custody on July 30, 2013.

Please review the circumstances of this incident as it pertains to the allegations and provide CRCL with your findings, and the following information:

(b)(5)

Copy of the UAC's I-213

E3 detention logs, including any notes, during the period that the UAC was in USBP custody

Was the UAC housed with adults? If so, why and for what time period?

Statements from the BPAs at the Falfurrias Station who were on duty while the UAC was in BP custody, in response to the allegations

5. Any existing records regarding requests or complaints made by the UAC while she was in custody at the Falfurrias Station

Please provide your response to me at (b) (6) @hq.dhs.gov. Thank you for your assistance with this request.

Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, CRCL is charged with investigating and assessing complaints against DHS employees and officials for abuses of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion. The procedures for our investigations and the recommendations they may generate are outlined in DHS Management Directive 3500. More particularly, 42 U.S.C. § 2000ee-1(d) grants this Office access to the "information, material, and resources necessary to fulfill the functions" of the office, including the complaint investigation function; Management Directive 3500 further authorizes CRCL to "[i]nterview[] persons and obtain[] other information deemed by CRCL to be

relevant and require[] cooperation by all agency employees” and to “[a]ccess[] documents and files that may have information deemed by CRCL to be relevant.” All communications and information submitted to CRCL are protected to the maximum extent possible by the attorney-client and deliberative process privileges. However, CRCL is required, under 6 U.S.C. § 345(b), to submit an annual report to Congress—also posted on CRCL’s Web site—that is required to detail “any allegations of [civil rights] abuses . . . and any actions taken by the Department in response to such allegations.” Finally, 42 U.S.C. § 2000ee-1(e) prohibits reprisals or threats of reprisal by a federal employee for making complaints to CRCL or for disclosing information to CRCL in the course of its investigations. The request for information above is done in accordance with these authorities.

(b)(6)

Office for Civil Rights & Civil Liberties

Department of Homeland Security

(202) 253- (b)(6) (bb)

(b)(6) @hq.dhs.gov



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From: (b)(6),(b)(7)(C)
To: (b)(6)
Cc: (b)(6),(b)(7)(C) (b)(6)
(b)(6)
Subject: Response CRCL Complaint 13-11-CBP-0295
Date: Thursday, June 19, 2014 9:37:15 AM
Attachments: [ROI CRCL 13-11-CBP-0295.pdf](#)

(b)(6)

Attached is the Report of Inquiry for CRCL Complaint 13-11-CBP-0295.

(b)(6),(b)(7)(C)

***Assistant Chief
HQ Office of Border Patrol
OBP Liaison to CBP-IA
Washington, D.C.***

(O) 202- (b)(6),(b)(7)(C)

(C) 202-

From: (b)(6)
To: [CRCL Compliance](#)
Subject: CBP complaints
Date: Monday, August 26, 2013 12:32:17 PM
Attachments: [CBP complaint Falfurrias \(b\)\(6\) 8.23.13.pdf](#)
[CBP complaint Weslaco \(b\)\(6\) 8.23.13.pdf](#)
[CBP complaint Brownsville \(b\)\(6\) 8.23.13.pdf](#)

Good Morning,

I have attached three recent complaints by unaccompanied minors against CBP.

Thank you for your time.

Best,

(b)(6)

Children's Staff Attorney
South Texas Pro Bono Asylum Representation Project (ProBAR)
(a project of the American Bar Association Commission on Immigration)
119 W. Van Buren, (b)(6)
Harlingen, TX 78550
tele: (956) (b)(6)

August 23, 2013

Department of Homeland Security
Attn: Office of Inspector General
245 Murray Drive, SW, Building 410
Washington, DC 20528

RE: Falfurias Border Patrol

Dear Sir or Madam:

Our office requests that the Office of Inspector General investigate the behavior of Border Patrol Officers in Falfurias, Texas, where we have received a **report of threats of deportation of an unaccompanied minor**. We are attaching the affidavit signed by the minor.

- (b)(6) currently detained at the Southwest Key (Casa Rio Grande) facility in San Benito, Texas. For your reference the event number is (b)(6)

(b)(6) reports being mistreated by Border Patrol Officers in or near Falfurias, Texas. She states that on or about July 23, 2013, Border Patrol Officers apprehended her and her sister. (b)(6) reports that an Officer coerced her sister to sign documents by threatening to deport (b)(6)

The minor's declaration provides more detailed information on the abuse outlined above.

Unaccompanied minors who are in custody deserve the fair and humane treatment that is outlined in the Flores settlement. I trust that your agency will be able to use this information to identify any individuals involved in the abuses and to advocate for Border Patrol's compliance with the standards for treatment of minors in custody.

We are looking forward to hearing from you concerning this complaint. Please note that the minor's signature on page two of his complaint authorizes your agency to release information

about any investigation of this complaint to ProBAR, and we request that you do so. If you have any questions, please contact me at (956) (b)(6). Thank you for your prompt attention to this matter.

Respectfully,

(b)(6)

Attorney at Law

cc: DHS Office of the Inspector General
245 Murray Drive, SW, Building 410/Mail Stop 2600
Washington, DC 20528
Via facsimile to (202) 254-4297

Department of Homeland Security
Office for Civil Rights and Civil Liberties
245 Murray Drive, SW, Building 410
Washington, DC 20528
Via electronic mail to CRCLCompliance@hq.dhs.gov

Department of Homeland Security
Joint Intake Center, ICE/CBP
P.O. Box 14475
1200 Pennsylvania Avenue, NW
Washington, DC 20044
Via facsimile to (202) 344-3390

Department of Homeland Security
Office of Internal Audit
425 "F" Street, NW
Washington, DC 20530

Commission on Immigration
American Bar Association
1050 Connecticut Ave., NW, Suite 400
Washington, DC 20036
Via electronic mail

Customs and Border Protection
Falfurrias Station
133 County Road 300
Falfurrias, TX 78355

(b)(6)



San Benito Texas 78586

Via hand delivery

My full and complete name is:

(b)(6)

My assigned Alien number is:

(b)(6)

I was detained by Border Patrol Agents at or near:

Falfurrias, TX

I was detained by Border Patrol Agents on or about:

07/23/13

My age at the time I was detained:

14

FNIS #:

(b)(6)

Event #:

(b)(6)

Border Patrol Agent:

Supervisor:

Location of Border Patrol Agent:

Falfurrias, TX

I,

(b)(6)

(b)(6)

declare and affirm that the following took place:

Me and my sister turned ourselves in to the border patrol. The border patrol agents came and picked us up. They took us to a place called the "hielera."* They put us in a room with three other girls. They gave us food and water. At dawn the next day, a BP agent came in and separated those of us who were minors from those of us who were adults. They asked me questions. They told my sister that she had to sign a deportation order to be deported. She said no and they took her to a small room near us. The room was directly behind me and the door was open so I could hear everything that they were saying. They told my sister that she had to sign to be deported and she said no. Another man came in

*processing station = hielera

and told her that she had to sign the paper or they would not send me and her back together. They told her that they would depart me and send me back the day before her so I would be alone. They continued to tell her that she had to sign. I fell asleep sitting down in the room. When I woke up, my sister was still in the other room with the glass window and she motioned at me through the window to let me know that she had signed.

I declare and affirm under penalty of perjury that the content of this declaration is true and correct to the best of my knowledge. I authorize any agency or entity receiving this complaint or a copy of this complaint to release any and all information about this complaint or its investigation to South Texas Pro Bono Asylum Representation Project (ProBAR).

(b)(6)

Signature

08/06/13

Date

I, (b)(6) hereby declare under penalty of perjury that I am competent in both English and Spanish, and have translated to the best of my abilities the foregoing affidavit from Spanish to English.

(b)(6)

Signature

08/06/13

Date

From: [CRCLCompliance](#)
To: (b)(6)@americanbar.org
Subject: Follow-up to DHS CRCL Complaint 13-11-CBP-0295
Date: Monday, November 04, 2013 11:55:00 AM
Attachments: [08.26.2013 13-11-CBP-0295.pdf](#)

Dear Ms. (b)(6)

Please see the attached correspondence from the U.S. Department of Homeland Security's Office for Civil Rights and Civil Liberties. Thank you.

Sincerely,

Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security



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Homeland
Security

November 4, 2013

Via electronic mail

(b)(6)

Children's Staff Attorney
South Texas Pro Bono Asylum Representation Project (ProBAR)
119 W. Buren Ave., (b)(6)
Harlingen, Texas 78550
(b)(6)@americanbar.org

Re: Complaint No. 13-11-CBP-0295

(b)(6)

Dear Ms. (b)(6)

The Department of Homeland Security's Office for Civil Rights and Civil Liberties (CRCL) received your complaint on August 26, 2013, on behalf of (b)(6). Thank you for contacting us with your concerns. CRCL reviews and assesses information concerning abuses of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion, by employees and officials of the Department of Homeland Security (DHS).

The issues you raise are very important to us, and we would like to inform you how your complaint will be processed by CRCL. Initially, we will send your complaint to the DHS Office of the Inspector General for review. If the Inspector General declines to accept the complaint, it will be returned to CRCL for an appropriate response. Once CRCL opens a formal complaint, either we or the appropriate DHS component will conduct an investigation into your concerns. CRCL may contact you during the course of investigation of your complaint. We will ultimately notify you of the outcome.

Please be advised that our complaint process does not provide individuals with legal or procedural rights or remedies. Accordingly, CRCL is not able to obtain any legal remedies or damages on your behalf. Instead, we use complaints like yours to find and address problems in DHS policy and its implementation. If you believe your rights have been violated, you may wish to consult an attorney. There may be time limitations that govern how quickly you need to act to protect your interests.

If you have not already done so, please provide CRCL with your complete contact information, including a phone number, email, and mailing address if available. You may contact CRCL by email at CRCLCompliance@hq.dhs.gov, by facsimile at 202-401-4708, or by mail at the following address:

Department of Homeland Security
Office for Civil Rights and Civil Liberties
Compliance Branch
245 Murray Lane, SW
Building 410, Mail Stop 0190
Washington, DC 20528

For additional information about CRCL's roles and responsibilities, please visit our website at <http://www.dhs.gov/crcl>.

If you are filing a complaint on behalf of an individual, please provide CRCL with the express written consent of the individual if you would like to be informed about the resolution of this complaint, if you have not already done so. When communicating with CRCL about this matter, please include the complaint number noted at the top of this letter.

Please note that Federal law forbids retaliation or reprisal by any Federal employee against a person who makes a complaint or discloses information to CRCL. 42 U.S.C. § 2000ee-1(e). If you believe that you or someone else is a victim of such a reprisal, please contact us immediately.

Thank you again for contacting the Office for Civil Rights and Civil Liberties. Communications like yours are essential to our ability to carry out our role of supporting the Department's mission to secure the nation while preserving individual liberty, fairness, and equality under the law. We look forward to working with you to address your concerns. If you have questions, please contact CRCL either in writing or by phone at 866-644-8360, 866-644-8361 (TTY).

Sincerely,

(b)(6)

Acting Director, Compliance Branch
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security

Privacy Act Statement

Authority: 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1 authorizes the collection of this information.

Purpose: The Department of Homeland Security (DHS) will use this information to review and investigate complaints and information from the public about possible violations of civil rights and/or civil liberties relating to DHS employees, programs, or activities.

Routine Uses: This information may be disclosed to and used by personnel and contractors within DHS who have a need to know the information in order to review your complaint. The DHS Office for Civil Rights and Civil Liberties (CRCL) may also share your information, as necessary, with appropriate government agencies outside of DHS or with non-government entities to address your complaint, or pursuant to its published Department of Homeland Security/ ALL-029 Civil Rights and Civil Liberties Records System of Records.

Disclosure: Furnishing this information to CRCL is voluntary; however, failure to furnish the requested information may delay or prevent CRCL from adequately reviewing and investigating your complaint. If necessary, CRCL may also request additional information from you in order to determine the appropriate manner to address your concerns.

To learn more about the Privacy Act, go to www.dhs.gov/privacy.

From: (b)(6)
To: (b)(6)@gmail.com
Subject: Follow-up to DHS CRCL Complaint 13-11-CBP-0295
Date: Tuesday, January 06, 2015 10:45:32 AM
Attachments: [CRCL Close Letter Complaint No 13-11-CBP-0295.pdf](#)

Dear Ms. (b)(6)

Please see the attached correspondence from the U.S. Department of Homeland Security's Office for Civil Rights and Civil Liberties.

Thank you.

Sincerely,

Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security
CRCLCompliance@hq.dhs.gov



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January 6, 2015

(b)(6)

Children's Staff Attorney
South Texas Pro Bono Asylum Representation Project (ProBAR)
119 W. Buren Ave., (b)(6)
Harlingen, Texas 78550
(b)(6)@gmail.com

Re: Complaint No. 13-11-CBP-0295

(b)(6)

Dear Ms.

(b)(6)

This letter is in response to the information the U.S. Department of Homeland Security's (DHS) Office for Civil Rights and Civil Liberties (CRCL) received from you on August 26, 2013, on behalf of (b)(6) alleged that U.S. Border Patrol agents placed her in a cell with unrelated adult females.¹

Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, CRCL has the responsibility to review and assess complaints against DHS employees and officials concerning violations of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion. Accordingly, CRCL requested information from CBP related to Ms. (b)(6) allegations. In response, CBP reviewed relevant documentation, conducted interviews with the agents involved, and reviewed Ms. (b)(6) apprehension records. CRCL has reviewed CBP's documentation, including an investigation CBP initiated into the matter, which found that CBP was not able to substantiate the allegations.

Regarding the allegation that Ms. (b)(6) was placed in a holding cell with unrelated female adults, Falfurrias Border Patrol Station does not house juveniles with unrelated adults unless they are part of a family unit. In instances when no cells are available, the juvenile is asked to sit on the bench in the processing area until space becomes available. Falfurrias Border Patrol Station has no record of Ms. (b)(6) being housed with unrelated adult females, nor was that observed during the many documented welfare checks. Based on the custody records, standard "welfare Checks" were conducted every hour, which consisted of observing

¹ CRCL decided to narrowly focus on the housing with adult issue. The mistreatment allegations in the complaint will be tracked in the Compliance database.

and asking the UAC about her welfare. These checks are documented throughout Ms. (b)(6) (b)(6) detention.

Based on this Office's review of the facts and circumstances presented in this matter, we have concluded that Ms. (b)(6) concerns have been addressed and we are closing her complaint. We thank you for your complaint; inquiries like this one help the Department of Homeland Security meet its obligation to protect civil rights and civil liberties.

Sincerely,

(b)(6)

Director, Compliance Branch
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security

From: (b)(6)
To:
Cc:
Subject: RE: Complaint No. 13-11-CBP-0295
Date: Tuesday, January 06, 2015 10:41:56 AM
Attachments: [CRCL Close Letter Complaint No 13-11-CBP-0295.pdf](#)
[CRCL Closure Without Rec Memo Complaint 13-11-CBP-0295.pdf](#)

Hello (b)(6)

Here are your finalized docs, I'll bcc you on the outgoing email.

Tks

(b)(6)

From: (b)(6)
Sent: Friday, January 02, 2015 11:07 AM
To: (b)(6)
Cc:
Subject: Re: Complaint No. 13-11-CBP-0295

Hello (b)(6)

Attached complaint close documents approved by (b)(6) ready for final signature and sending.

Thank you

(b)(6)

Office for Civil Rights & Civil Liberties
Department of Homeland Security
(202) 357-(b)(6) (phone)
(202) 253-(b)(6) (bb)
(b)(6) @hq.dhs.gov



**Homeland
Security**

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From: (b)(6)
Sent: Tuesday, December 30, 2014 4:24 PM
To: (b)(6)
Cc:
Subject: RE: Complaint No. 13-11-CBP-0295

These are ready to be closed – please put in clean.

Thanks (b)(6)

(b)(6)

Director Compliance Branch
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security

Tel (202) 357 (b)(6)

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From: (b)(6)
Sent: Friday, October 24, 2014 6:25 PM
To: (b)(6)
Cc: (b)(6)
Subject: RE: Complaint No. 13-11-CBP-0295

Hello (b)(6)

I addressed your comments and made edits accordingly. Please re-review (attached a tracked version and clean version since it is a little cluttered).

Thank you

(b)(6)

Office for Civil Rights & Civil Liberties
Department of Homeland Security
(202) 357 (b)(6) (phone)
(202) 253 (b)(6) (bb)
(b)(6) @hq.dhs.gov



**Homeland
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From: (b)(6)
Sent: Monday, September 22, 2014 11:58 AM

To: (b)(6)
Cc: (b)(6)
Subject: Complaint No. 13-11-CBP-0295

(b)(6)

Very well-written, a few edits. Also, a couple of questions – the most significant of which is whether

(b)(5)

Thanks –

(b)(6)

Director Compliance Branch
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security

Tel (202) 357 (b)(6)

This message may contain attorney-client communications, attorney work product, and agency deliberative communications, all of which may be privileged and not subject to disclosure outside the agency or to the public. Please consult with the Department of Homeland Security, Office of General Counsel before disclosing any information contained in this email.



Homeland Security

To:

(b) (6)

From:

Date:

January 6, 2015

Complaint Number:

13-11-CBP-0295

Complainant Name(A#):

(b) (6)

Finding(s) for Closure without Recommendations - (check all that apply):

<input checked="" type="checkbox"/> Insufficient information to investigate	<input type="checkbox"/> Allegation(s) substantiated but does not warrant recommendations
<input type="checkbox"/> Withdrawal of complaint	<input type="checkbox"/> No finding of detention standards violations
<input type="checkbox"/> Lack of jurisdiction	<input checked="" type="checkbox"/> No finding of policy or procedure violations
<input type="checkbox"/> Allegation(s) overtaken by events	<input type="checkbox"/> Complaint being handled as part of a related complaint (Related)
<input type="checkbox"/> Component and/or facility has already corrected the problem	<input type="checkbox"/> Other (provide details):
<input type="checkbox"/> Allegation(s) against component, individual, and/or facility unfounded	
<input checked="" type="checkbox"/> Allegation(s) against component, individual, and/or facility unsubstantiated	

Reason for Closing:

On August 26, 2013, CRCL received a complaint alleging that on July 29, 2013, UAC (b) (6) was placed in a holding cell with unrelated adult females by Border Patrol at the Falfurrias Border Patrol Station.

To address these allegations, CRCL requested information from CBP related to Ms. (b) (6) allegations. On June 19, 2014, CRCL received CBP's documentation, including a report of investigation, e3 records, apprehension records, and statements from the processing agent and the agents on duty during Ms. (b) (6) time in custody on July 29 and July 30, 2013. CBP concluded its inquiry and determined that these allegations were unfounded.

Regarding the allegation that the UAC¹ was placed in a holding cell with unrelated female adults, based on interviews with the Falfurrias Border Patrol Station agents, they do not house juveniles with unrelated adults unless they are part of a family unit. The agents highlighted that during the documented welfare checks that occurred about every hour, the agents observed and asked Ms. (b) (6) about her welfare, and then documented it in the e3 log. Based on the e3 records, the first welfare check and meal served occurred one hour after she was booked-in, and there are no notes that Ms. (b) (6) was mistakenly housed with adults or that she complained about housing. In addition, the interviews state that none of the agents placed Ms. (b) (6) in a cell with unrelated adults and that none of the agents remember seeing her in a cell with unrelated adults. The agents stated that in instances when no cells are available, the juvenile either is asked to sit on the bench in the processing area until space becomes

(b) (5)

Protected by the Deliberative Process Privilege

available, or is placed in a cell with a family unit consisting of a mother with her kids and monitored.

In addition, the Flores v. Reno Settlement Agreement Appendix 17-4 states: "The INS will separate unaccompanied minors from unrelated adults whenever possible. Where such segregation is not immediately possible, an unaccompanied minor will not be detained with an unrelated adult for more than 24 hours."

Special Circumstances

Recommend Office of General Counsel (OGC) Review (Y/N)

If Yes- provide a brief explanation

Suggested Closure Method(s) (check all that apply):

<input checked="" type="checkbox"/> Close Letter to Complainant <input type="checkbox"/> Phone call (a description of which is documented in Writing) <input type="checkbox"/> No notification necessary <input type="checkbox"/> Other (provide details)	<input type="checkbox"/> Close email/memo to component <input type="checkbox"/> High level component communication <input type="checkbox"/> Close memo (No contact information)
--	---

Supporting Documents Attached:

Close Letter	
CBP ROI	

For Completion by Reviewer:

Closure Recommendation Accepted X Not Accepted ☐

(b) (6)



From: [DHSOIGHotlineMailbox](#)
To: (b)(6)
Cc: (b)(6)
Subject: RE: CRCL Complaint Number 13-11-CBP-0295 Box 1
Date: Tuesday, November 05, 2013 4:00:44 PM
Attachments: [image001.png](#)

Office of Inspector General

U.S. Department of Homeland Security



**Homeland
Security**

The below information is furnished for whatever administrative action or inquiry you consider appropriate. Should your office take any administrative or personnel action in response to this information, you are requested to report the final result of that action within 30 business days of its conclusion.

If your review of this matter discloses evidence of previously unreported criminal misconduct that is reportable under Management Directive 0810.1, you are required to notify this office of that information before any additional investigative steps are taken.

From: (b)(6)@hq.dhs.gov]
Sent: Monday, November 04, 2013 10:42 AM
To: CRCL DHSOIGHotline
Cc: (b)(6)
(b)(6)
Subject: CRCL Complaint Number 13-11-CBP-0295

DHS OIG,

Summary of new complaint for your review:

On August 23, 2013, CRCL received via email correspondence from (b)(6) of Children's Project South Texas Pro Bono Asylum Representation Project (ProBAR) on behalf of unaccompanied minor (UAC) (b)(6), who alleges misconduct by Border Patrol Agents (BPAs) during apprehension on July 23, 2013 in Falfurias, Texas. Allegedly, a BPA at the Rio Grand Border Patrol Station coerced the UAC's sister to sign documents by threatening to deport the UAC. The UAC alleges that she overheard BPAs telling her sister that she had to "sign the paper or they would not send me and her back together. They told her that they would deport me and send me back the day before her so I would be alone."

Thank you.

(b)(6)

Office for Civil Rights and Civil Liberties

U.S. Department of Homeland Security

202-357 (b)(6)

(b)(6) [@hq.dhs.gov](mailto:(b)(6)@hq.dhs.gov)

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From: (b)(6),(b)(7)(C) on behalf of [JOINT INTAKE](#)
To: (b)(6)
Cc: (b)(6),(b)(7)(C)
Subject: RE: CRCL Short Form Complaint 13-11-CBP-0295
Date: Thursday, January 23, 2014 3:18:10 PM

Ms. (b)(6)

CRCL Short Form Complaint 13-11-CBP-0295 is being processed under file **201312033**.

If you have any questions please let me know.

Thank you,

(b)(6),(b)(7)(C)

SUPERVISOR, JOINT INTAKE CENTER
CBP | OFFICE OF INTERNAL AFFAIRS | 202- (b)(6),(b)(7)(C) | 202- (b)(6),(b)(7)(C) (CELL)

Duplicate

From: (b)(6)
To: [CRCL Compliance](#)
Subject: CBP complaints
Date: Monday, September 23, 2013 7:11:05 PM
Attachments: [CBP complaint McAllen \(b\)\(6\).13.pdf](#)
[CBP complaint McAllen \(b\)\(6\).13.pdf](#)
[CBP complaint McAllen \(b\)\(6\) 9.23.13.pdf](#)
[CBP complaint Weslaco \(b\)\(6\).13.pdf](#)

Good Evening,

I have attached four recent complaints by unaccompanied minors against CBP.

Thank you for your time.

Best,

(b)(6)

Children's Staff Attorney
South Texas Pro Bono Asylum Representation Project (ProBAR)
(a project of the American Bar Association Commission on Immigration)
119 W. Van Buren, (b)(6)
Harlingen, TX 78550
tele: (956) (b)(6)

September 23, 2013

Department of Homeland Security
Attn: Office of Inspector General
245 Murray Drive, SW, Building 410
Washington, DC 20528

RE: McAllen Border Patrol

Dear Sir or Madam:

Our office requests that the Office of Inspector General investigate the behavior of Border Patrol officers in Hidalgo, Texas, where we have received a **report of verbal abuse of an unaccompanied minor. The minor also reports that as a pregnant teen she was not given the appropriate medical or custodial treatment.** We are attaching the affidavit signed by the minor.

- (b)(6) previously detained at the International Education Services (IES)—Foster Hidalgo facility in Brownsville, Texas. For your reference the event number is (b)(6)

(b)(6) reports being mistreated by Border Patrol Officers in or near Hidalgo, Texas. She states that on or about August 18, 2013, Border Patrol Officers apprehended her. (b)(6) reports that while at a processing station she felt severe nausea because she was pregnant. When she reported this, she explains that she was taken to the doctor but for some unknown reason they told her she was not pregnant. (b)(6) notes that this surprised her because she knew she was pregnant. She then reports that the officials insulted her and called her a liar although (b)(6) explained that she was visibly pregnant. Lastly, (b)(6) states that she was forced to sleep on the floor.

The minor's declaration provides more detailed information on the abuse outlined above.

Unaccompanied minors who are in custody deserve the fair and humane treatment that is outlined in the Flores settlement. I trust that your agency will be able to use this information to identify any individuals involved in the abuses and to advocate for Border Patrol's compliance with the standards for treatment of minors in custody.

We are looking forward to hearing from you concerning this complaint. Please note that the minor's signature on page two of his complaint authorizes your agency to release information about any investigation of this complaint to ProBAR, and we request that you do so. If you have any questions, please contact me at (956) (b)(6). Thank you for your prompt attention to this matter.

Respectfully,

(b)(6)

Attorney at Law

cc: DHS Office of the Inspector General
245 Murray Drive, SW, Building 410/Mail Stop 2600
Washington, DC 20528
Via facsimile to (202) 254-4297

Department of Homeland Security
Office for Civil Rights and Civil Liberties
245 Murray Drive, SW, Building 410
Washington, DC 20528
Via electronic mail to CRCLCompliance@hq.dhs.gov

Department of Homeland Security
Joint Intake Center, ICE/CBP
P.O. Box 14475
1200 Pennsylvania Avenue, NW
Washington, DC 20044
Via facsimile to (202) 344-3390

Department of Homeland Security
Office of Internal Audit
425 "I" Street, NW
Washington, DC 20530

Commission on Immigration
American Bar Association
1050 Connecticut Ave., NW, Suite 400
Washington, DC 20036
Via electronic mail

Customs and Border Protection
McAllen Station
3000 West Military Highway
McAllen, TX 78503

My full and complete name is: (b)(6)
My assigned Alien number is: (b)(6)
I was detained by Border Patrol Agents at or near: Hidalgo, Texas
I was detained by Border Patrol Agents on or about: August 18 2013
My age at the time I was detained: 15 FINS #: (b)(6)
Event #: (b)(6)
Border Patrol Agent: _____ Supervisor: (b)(6)
Location of Border Patrol Agent: _____

I, (b)(6) declare and affirm that the following took place:

They detained me on a Saturday night. I was already feeling pain in my abdomen. When we got to the station, they started asking me things, about my health and other things. I told them I was pregnant. They told me they would take me where a doctor would, check me, and they took me to a hospital. A nurse told me to lie down and she listened with some kind of device to hear my baby's heart. She said she didn't hear anything, which meant I wasn't pregnant. I knew I was pregnant. I had already done a pregnancy test and it was already showing a little. Then they took me to another room. A doctor came and had me lie down. He felt around my stomach, and told me I wasn't pregnant and asked me why I said I was. He asked about my period, and I told him no period since April. Either way, he said, I wasn't pregnant.

The Border Patrol took me to the station. In that place I stayed one day. Another agent there insulted me and called me a liar. I was very nauseous and couldn't get up. A woman next to me with a baby asked me what was wrong and asked if I was pregnant. Yes, I told her. So she told the guard that they needed to take care of me, that I was pregnant and that they should take me to (cont.)

(cont.) the hospital. The guard answered: "She is lying. There is nothing wrong with her. I don't know why she lies. It would cost a lot of money to take her to the hospital." Little by little, the nausea went away. Then they took me to a different cell. I was in three different cells altogether, before I came to this detention center. In the first cell, there was nothing to sleep on, not even a sponge pad, just the floor. There were a lot of children and everyone slept on the floor. Afterwards, they took me to two more cells where they had foam mattresses where you could lie down. When I went to the doctor at the beginning, no one did a pregnancy test.

I declare and affirm under penalty of perjury that the content of this declaration is true and correct to the best of my knowledge. I authorize any agency or entity receiving this complaint or a copy of this complaint to release any and all information about this complaint or its investigation to South Texas Pro Bono Asylum Representation Project (ProBAR).

(b)(6)

Signature

9-09-2013.

Date

I, (b)(6), hereby declare under penalty of perjury that I am competent in both English and Spanish, and have translated to the best of my abilities the foregoing affidavit from Spanish to English.

(b)(6)

Signature

9/9/2013

Date

From: CRCLCompliance
To: (b)(6)@americanbar.org
Subject: Follow-up to DHS CRCL Contact-DHS-13-0579
Date: Wednesday, April 02, 2014 12:41:00 PM
Attachments: [Contact-DHS-13-0579 \(09.23.2013\).pdf](#)
[image001.png](#)

Dear Ms. (b)(6)

Please see the attached correspondence from the U.S. Department of Homeland Security's Office for Civil Rights and Civil Liberties. Thank you.

Sincerely,
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security



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Homeland
Security

April 2, 2014

Via Electronic Mail

(b)(6)

ProBAR South Texas Pro Bono Asylum Representation Project

(b)(6)

@americanbar.org

Re: Contact No. Contact-DHS-13-0579 (b)(6)

Dear Ms. (b)(6)

The U.S. Department of Homeland Security's (DHS) Office for Civil Rights and Civil Liberties (CRCL) received information from you on September 23, 2013 on behalf of (b)(6). Thank you for bringing your concerns to our attention.

After carefully reviewing the information you provided, CRCL has recorded it in a database so that we can track issues of the type you raised in order to identify patterns of violations of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion by employees and officials of the Department of Homeland Security.

CRCL has an open complaint investigation addressing issues similar to the ones you raised. As we complete that investigation, we will take into account the issues described in your complaint and may incorporate your information, as appropriate, when we prepare our report to U.S. Customs and Border Protection.

For any future correspondence you wish to send to CRCL about this matter, please include the Contact-DHS-13-0579 noted at the top of this letter. For more information about CRCL's roles and responsibilities, please visit our website at <http://www.dhs.gov/crcl>.

Please be advised that CRCL does not provide individuals with legal or procedural rights or remedies. Accordingly, CRCL is not able to obtain any legal remedies or damages on your behalf. Instead, we use information in correspondence like yours to find and address problems in DHS policy and its implementation. If you believe your rights have been violated, you may wish to consult an attorney. There may be time limitations that govern how quickly you need to act to protect your interests.

Please note that Federal law forbids retaliation or reprisal by any Federal employee against a person who makes a complaint or discloses information to CRCL. 42 U.S.C. § 2000ee-1(e). If you believe that you or someone else is a victim of such a reprisal, please contact us immediately.

Thank you again for contacting the Office for Civil Rights and Civil Liberties. Inquiries like yours help DHS meet its obligation to protect civil rights and civil liberties.

Sincerely,

Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security

From: (b)(6)
To:
Subject: Docket review follow-up (IG keeps complaints)
Date: Friday, February 13, 2015 8:55:00 AM

Dear (b)(6)

During my docket review, I noted two CBP complaints that alleged mistreatment by a Border Patrol agent with the nickname of "mala caras." One of those complaints has been kept by the IG. You had asked me to send you the complaint numbers and summaries of both complaints so that we could let the IG know we had received another complaint involving similar allegations and potentially the same person.

1. **13-10-CBP-0309 (Referred to CBP):** On July 31, 2013, CRCL received email correspondence from (b)(6) of Children's Project South Texas Pro Bono Asylum Representation Project (ProBAR) on behalf of unaccompanied alien child (UAC) (b)(6).
(b)(6) According to EARM records, the UAC was apprehended by Border patrol (BP) on July 2, 2013 in Raymondville, Texas, the Rio Grande Valley BP Sector, then transported to Harlingen BP Station. The UAC states that while in BP custody in Brownsville, Texas for four days (July 3-6, 2013) a male BPA who was bald, dark skin, always wears sunglasses, and **was called by other BPAs the nickname "mala caras"**, abused his authority, called the UAC a slut, refused to feed the UACs and never let the UACs sleep. Allegedly, the BPA would grab and throw the UACs' blankets and yell that if he cannot sleep then they cannot either. Also, the UAC states that the BPA stepped on her foot, then he stated "sorry I thought it was a piece of trash". The UAC states that the day she left she told a white nice female BPA who always fed the UACs about the male BPA abuse of authority, and she told the UAC not to worry since she was leaving that day.
2. **14-09-CBP-0258 (IG Keeps):** On June 11, 2014, CRCL received email correspondence from the National Immigrant Justice Center (NIJC), Esperanza Immigrant Rights Project (Esperanza), Americans for Immigrant Justice (AI Justice), Florence Immigrant and Refugee Rights Project (FIRRP) and the ACLU Border Litigation Project on behalf of 116 UAC complainants. NIJC wrote on behalf of Unaccompanied Alien Child (UAC) (b)(6).
(b)(6) She left Guatemala when she was 17 years old to escape the rapist that had impregnated her. He had cut her and threatened her and her family. Her family had also been threatened multiple times by the Mara 18 gang. Before being apprehended by BP agents near Falfurrias, Texas in the Rio Grande Valley Sector on September 22, 2013, (b)(6) claims she had been kidnapped by two individuals in Sullivan, Texas. She was forced to clean and take care of another kidnapped child for three days until her uncle paid the ransom. After being detained, the UAC was taken to a detention facility **where one of the agents went by the name, Mala Cara** or "Bad Face". He was rude and insulted the UAC constantly. When she slept he would shake her awake with his foot. When she got on a transport plane she heard him say that he hoped the plane would explode. The agent also told her that he knew which facility she was going to and that she would "pay there". According to EARM records, the UAC claimed credible fear, but appeared to be in good health despite being a possible trafficking victim. Records also indicate that the UAC

was taken to the Valley Baptist medical Center in Brownsville, Texas on September 30, 2013 due to stomach pain. The doctor prescribed her with medication, but the prescription was not filled because it wasn't covered by DHS Formulary. Additionally, the UAC was to HHS ORR custody in Chicago, Illinois on October 1, 2014.

Please let me know if you have any questions or if I can provide any additional information.

Thanks!

(b)(6)

--

(b)(6)

Policy Advisor
Office for Civil Rights and Civil Liberties
Department of Homeland Security

202-357-

(b)(6)

(b)(6)

@hq.dhs.gov

From: (b)(6)
To:
Cc:
Subject: FW: Docket review follow-up (IG keeps complaints)
Date: Tuesday, February 24, 2015 5:12:49 PM

Hi (b)(6)

We recently conducted docket reviews in our office and I wanted to make you aware of two complaints I think may involve the same CBP officer. Currently, the OIG is investigating one of these complaints, but not the other, and I want to make sure you are aware of both. The two complaints are as follows:

1. Duplicate
- 2.

Duplicate

Please let me know if you would like additional information about the first complaint. I'd be happy to talk this through if you think that would be helpful.

Best,

(b)(6)

Senior Policy Advisor
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security
(202) 357- (b)(6)

From: (b)(6),(b)(7)(C)
To: (b)(6)
Cc: (b)(6),(b)(7)(C); (b)(6)
(b)(6); (b)(6),(b)(7)(C)
Subject: CRCL Complaint 13-10-CBP-0309
Date: Monday, April 14, 2014 12:20:14 PM
Attachments: [CRCL 13-10-CBP-0309 \(Case File 201311033\).pdf](#)

(b)(6)

Attached is CBP/IA's Closing Report on 13-10-CBP-0309. The full investigation was conducted and completed by CBP/IA on 12-09-13.

(b)(6),(b)(7)(C)

Assistant Chief
HQ Office of Border Patrol
OBP Liaison to CBP-IA
Washington, D.C.

(O) 202- (b)(6),(b)(7)(C)

(C) 202-

ProBAR
SOUTH TEXAS PRO BONO REPRESENTATION PROJECT

301 E Madison Ave.
Harlingen, TX 78550

PHONE: (956) 425-9231

FAX: (956) 425-9233



FACSIMILE TRANSMITTAL COVER SHEET

TO: DHS - Joint Intake Center

FAX NO: (202) 344-3390 DATE: 7/31/13

FROM: (b)(6)

RE: CBP complaint → (b)(6)

TOTAL NUMBER OF PAGES (INCLUDING THIS PAGE): 9

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301 E. Madison Ave.
Harlingen, Texas 78550
(956) 425-9231
(956) 425-9233 fax
probar@sbcglobal.net
www.americanbar.org/probar

Meredith Linsky
Director

A project of the American Bar Association, State Bar of Texas, and
American Immigration Lawyers Association.

July 31, 2013

Department of Homeland Security
Attn: Office of Inspector General
245 Murray Drive, SW, Building 410
Washington, DC 20528

RE: Brownsville Border Patrol Station

Dear Sir or Madam:

Our office requests that the Office of Inspector General investigate the behavior of a Border Patrol agent in Brownsville, Texas, where we have received a report of intimidation, physical and verbal abuse of an unaccompanied minor. We are attaching the affidavit signed by the minor.

- (b)(6) currently detained at the South West Key, Casa Rio Grande facility in San Benito, Texas. For your reference the event number is (b)(6)

(b)(6) reports being mistreated by a Border Patrol agent in or near Brownsville, Texas. She states that on or about July 3, 2013, Border Patrol Officers apprehended her. (b)(6) states that after two days she was transferred to another CBP facility she thinks was in Brownsville, Texas, where a single officer allegedly sustained a reign of terror over the children detained in the cells known commonly as "hieleras." This child states that a Border Patrol Officer who refers to himself as "mala cara," or "bad face," would constantly wake the children up during the night and insist that if he could not sleep, they would not sleep either. She describes how he stepped on her foot and said, "Sorry, I thought it was a piece of trash." (b)(6) further notes that the Border Patrol Officer called her (b)(6) "Putita" [derogatory term for "slut"]. She describes this officer as bald, dark-skinned, heavy-set and constantly wearing sun glasses on his head.

Additionally, (b)(6) notes that the Officer threatened to "make her pay" if she lied. (b)(6) states that the Border Patrol Officer deprived her of food and sleep. (b)(6) explains that the Officer would snatch blankets away from detained immigrants and clap his hands loudly to forcibly wake up a small child during the middle of the night. (b)(6) also notes that the Officer referred to the child immigrants as "bitches" and "sluts."

The minor's declaration provides more detailed information on the abuse outlined above.

Unaccompanied minors who are in custody deserve the fair and humane treatment that is outlined in the Flores settlement. I trust that your agency will be able to investigate and use this information to identify the individual perpetrating the alleged abuse and discipline him appropriately.

We look forward to hearing from you concerning this complaint. Please note that the minor's signature on page two of his complaint authorizes your agency to release information about any investigation of this complaint to ProBAR, and we request that you do so. If you have any questions, please contact me at (956) (b)(6). Thank you for your prompt attention to this matter.

(b)(6)
(b)(6)
(b)(6)
Director

cc: DHS Office of the Inspector General
245 Murray Drive, SW, Building 410/Mail Stop 2600
Washington, DC 20528
Via facsimile to (202) 254-4297

Department of Homeland Security
Office for Civil Rights and Civil Liberties
245 Murray Drive, SW, Building 410
Washington, DC 20528
Via electronic mail to CRCLCompliance@hq.dhs.gov

Department of Homeland Security
Joint Intake Center, ICE/CBP
P.O. Box 14475
1200 Pennsylvania Avenue, NW
Washington, DC 20044
Via facsimile to (202) 344-3390

Department of Homeland Security
Office of Internal Audit
425 "I" Street, NW
Washington, DC 20530

Commission on Immigration
American Bar Association
1050 Connecticut Ave., NW, Suite 400
Washington, DC 20036
Via electronic mail

(b)(6)

San Benito, TX 78586 (via hand delivery)

My full and complete name is: (b)(6)

My assigned Alien number is: (b)(6)

I was detained by Border Patrol Agents at or near: Hidalgo, TX

I was detained by Border Patrol Agents on or about: 07/03/13

My age at the time I was detained: 17 1/2 FINS #: (b)(6)

Event #: (b)(6)

Border Patrol Agent: Supervisor: (b)(6), (b)(7)(C)

Location of Border Patrol Agent: Brownsville TX (where alleged abuse occurred)

I, (b)(6) at the following took place:

I was apprehended by police on or around 07/03/13. They then called the border patrol and border patrol agents came and took us to a place called the "hielera." At the first "hielera" everyone treated me well. They gave us water and food and were nice. I spent one night and a half a day before they took me to the second "hielera." One of the girls who was with me told me that when a border patrol agent with a bald head, dark skin, and sunglasses came in, I needed to stand up right away. She had already been there for three days and said that when he came in, I needed to get up right away because he was mean and he would kick me, throw water in my face or yell at me. She also said that he used a lot of bad words and called

kids bad names. I did not believe her at first. That night, a man came in to call names off the list. A girl of about six years old was sleeping next to ~~him~~ me and I tried to wake her up. He then said that we needed to wake her up or he would wake her by force. He was yelling and very aggressive. He would not wake up so he pulled the blanket off of her and clapped his hands loudly in her ear. He then yelled at her to wake up and grabbed her by her arms and pulled her up into the air. He kicked a pile of tennis shoes and said he wished we were the tennis shoes. He said that we were "pinche" immigrants and said that we were garbage. He also said that if he was not going to sleep, then we were also not going

I declare and affirm under penalty of perjury that the content of this declaration is true and correct to the best of my knowledge. I authorize any agency or entity receiving this complaint or a copy of this complaint to release any and all information about this complaint or its investigation to South Texas Pro Bono Asylum Representation Project (ProBAR).

(b)(6)

(b)(6)

07/16/2013

Date

I, (b)(6), hereby declare under penalty of perjury that I am competent in both English and Spanish, and have translated to the best of my abilities the foregoing affidavit from Spanish to English.

(b)(6)

Signature

Date

7/16/13

2.

My full and complete name is: (b)(6)

My assigned Alien number is: (b)(6)

I was detained by Border Patrol Agents at or near: Hidalgo, TX

I was detained by Border Patrol Agents on or about: 07/03/13

My age at the time I was detained: 1716 EINS #: (b)(6)

Event #: (b)(6)

Border Patrol Agent: Supervisor: (b)(6), (b)(7)(C)

Location of Border Patrol Agent: Brownsville TX (where anesed
occured)

I, (b)(6) am that the following took place:

(continued from first complaint) to be going to sleep. He said that there were twenty headaches bothering him and that ~~they~~ were the twenty headaches. He also said that everyone there knew him as the "malacara" (bad face) and that he was going to be mean to everyone at that "hielera." The second night he also looked at my foot and stepped on it with his boot and then told me "oh sorry, I thought it was a piece of trash." I could tell that he had done it on purpose. The second night he came into the "hielera" again and said "here comes the malacara" the one who is being mean to all of the bitches that are here." He slammed the door and ten minutes later came in to pull the sheets off us. He said again "if I'm not going to be going to sleep, then neither

are you." He would grab our blankets while we were sleeping and throw our blankets to the other end of the room. He did not come into the room the next night but he did the night after. He yelled at us. He said that "Melara is here and he is angry." He yelled a name off of the list and that person was not there so I told him she was no longer there and he said that if I was lying, he would make me pay. Later that girl came back and he told me that I was a liar. Two hours later, he came in and he yelled my name. He then said that my real name was (b)(6) (b)(6) "Sivts (Cvitas)"

I declare and affirm under penalty of perjury that the content of this declaration is true and correct to the best of my knowledge. I authorize any agency or entity receiving this complaint or a copy of this complaint to release any and all information about this complaint or its investigation to South Texas Pro Bono Asylum Representation Project (ProBAR).

(b)(6)

Signature

07/16/2013

Date

I, (b)(6), hereby declare under penalty of perjury that I am competent in both English and Spanish, and have translated to the best of my abilities the foregoing affidavit from Spanish to English.

(b)(6)

Signature

Date

My full and complete name is: (b)(6)

My assigned Alien number is: (b)(6)

I was detained by Border Patrol Agents at or near: Hidalgo, TX

I was detained by Border Patrol Agents on or about: 07/02/13

My age at the time I was detained: 16 FINS #: (b)(6)

Event #: (b)(6)

Border Patrol Agent: Supervisor: (b)(6), (b)(7)(C)

Location of Border Patrol Agent: Brownsville, TX (where alleged abuse occurred)

I, (b)(6) and affirm that the following took place:

Continued from previous page. I told him that was not my real name and he told me that if he wanted to call me a " Slut " then there was nothing I could do about it. He told me that I was in his country and not mine and he could say whatever he wanted to me. There was another woman who worked there. She was white ("stringa") and very nice. She would come in and tell us that we needed to eat while we could because he would not let us eat. I told her about all of this the day I left and she told me not to worry anymore because I would be leaving that day. This was in a "whorehouse" in Brownsville, TX. I was there for four days (Wed, Thurs, Fri, Sat) before being released.

I do not remember his name.
I think it was something
that started with a "j" and I
think it might be "Jaime"
or "Jimenez." He was bald,
dark-skinned, overweight and
always had his sunglasses. He
was called "maia caras" by
other border patrol agents.

I declare and affirm under penalty of perjury that the content of this declaration is true and correct to the best of my knowledge. I authorize any agency or entity receiving this complaint or a copy of this complaint to release any and all information about this complaint or its investigation to South Texas Pro Bono Asylum Representation Project (ProBAR).

(b)(6)

Signature

07/06/2013

Date

I, (b)(6), hereby declare under penalty of perjury that I am competent in both English and Spanish, and have translated to the best of my abilities the foregoing affidavit from Spanish to English.

(b)(6)

Signature

7/16/13

Date

6



**Homeland
Security**

January 24, 2014

Via electronic mail

(b)(6)

(b)(6)

South Texas Pro Bono Asylum Representation Project (ProBAR)

301 E. Madison Ave.

Harlingen, TX 78550

(b)(6)

@americanbar.org

Re: Complaint No. 13-10-CBP-0309

(b)(6)

Dear Ms.

(b)(6)

The Department of Homeland Security's Office for Civil Rights and Civil Liberties (CRCL) received your complaint on July 31, 2013 on behalf of (b)(6). Thank you for contacting us with your concerns. CRCL reviews and assesses information concerning abuses of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion, by employees and officials of the Department of Homeland Security (DHS).

The issues you raise are very important to us, and we would like to inform you how your complaint will be processed by CRCL. Initially, we will send your complaint to the DHS Office of the Inspector General for review. If the Inspector General declines to accept the complaint, it will be returned to CRCL for an appropriate response. Once CRCL opens a formal complaint, either we or the appropriate DHS component will conduct an investigation into your concerns. CRCL may contact you during the course of investigation of your complaint. We will ultimately notify you of the outcome.

Please be advised that our complaint process does not provide individuals with legal or procedural rights or remedies. Accordingly, CRCL is not able to obtain any legal remedies or damages on your behalf. Instead, we use complaints like yours to find and address problems in DHS policy and its implementation. If you believe your rights have been violated, you may wish to consult an attorney. There may be time limitations that govern how quickly you need to act to protect your interests.

If you have not already done so, please provide CRCL with your complete contact information, including a phone number, email, and mailing address if available. You may contact CRCL by email at CRCLCompliance@hq.dhs.gov, by facsimile at 202-401-4708, or by mail at the following address:

Department of Homeland Security
Office for Civil Rights and Civil Liberties
Compliance Branch
245 Murray Lane, SW
Building 410, Mail Stop 0190
Washington, DC 20528

For additional information about CRCL's roles and responsibilities, please visit our website at <http://www.dhs.gov/crcl>.

If you are filing a complaint on behalf of an individual, please provide CRCL with the express written consent of the individual if you would like to be informed about the resolution of this complaint, if you have not already done so. When communicating with CRCL about this matter, please include the complaint number noted at the top of this letter.

Please note that Federal law forbids retaliation or reprisal by any Federal employee against a person who makes a complaint or discloses information to CRCL. 42 U.S.C. § 2000ee-1(e). If you believe that you or someone else is a victim of such a reprisal, please contact us immediately.

Thank you again for contacting the Office for Civil Rights and Civil Liberties. Communications like yours are essential to our ability to carry out our role of supporting the Department's mission to secure the nation while preserving individual liberty, fairness, and equality under the law. We look forward to working with you to address your concerns. If you have questions, please contact CRCL either in writing or by phone at 866-644-8360, 866-644-8361 (TTY).

Sincerely,

(b)(6)

Acting Director, Compliance Branch
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security

Privacy Act Statement

Authority: 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1 authorizes the collection of this information.

Purpose: The Department of Homeland Security (DHS) will use this information to review and investigate complaints and information from the public about possible violations of civil rights and/or civil liberties relating to DHS employees, programs, or activities.

Routine Uses: This information may be disclosed to and used by personnel and contractors within DHS who have a need to know the information in order to review your complaint. The DHS Office for Civil Rights and Civil Liberties (CRCL) may also share your information, as necessary, with appropriate government agencies outside of DHS or with non-government entities to address your complaint, or pursuant to its published Department of Homeland Security/ ALL-029 Civil Rights and Civil Liberties Records System of Records.

Disclosure: Furnishing this information to CRCL is voluntary; however, failure to furnish the requested information may delay or prevent CRCL from adequately reviewing and investigating your complaint. If necessary, CRCL may also request additional information from you in order to determine the appropriate manner to address your concerns.

To learn more about the Privacy Act, go to www.dhs.gov/privacy.

From: (b)(6)
To: [CRCL Compliance](#)
Subject: Border Patrol Agent complaint Brownsville, Texas from unaccompanied minor in custody
Date: Wednesday, July 31, 2013 5:55:41 PM
Attachments: [cover letter \(b\)\(6\) doc](#)
[\(b\)\(6\) pdf](#)

To Whom it May Concern:

Please find a CBP complaint on behalf of an unaccompanied minor, a 16 year old girl from Guatemala. The original complaint was sent to Office of Inspector General.

Thank you for your attention.

(b)(6)

(b)(6) South Texas Pro Bono Asylum Representation Project (ProBAR)
(a project of the American Bar Association Commission on Immigration)
301 E. Madison Ave.
Harlingen, Texas 78550
T: 956 (b)(6)
F: 956.425.9233
(b)(6)@americanbar.org
www.americanbar.org/immigration

From: (b)(6)
To: [CRCLCompliance](#)
Subject: CBP complaint from ProBAR in Harlingen, Texas
Date: Wednesday, July 31, 2013 6:02:01 PM
Attachments: [cover letter \(b\)\(6\) complaint.pdf](#)
(b)(6).pdf

To Whom it May Concern:

Please replace this cover letter with the one I sent a few minutes ago. I failed to send the cover letter on our office letterhead.

Thank you.

(b)(6)

(b)(6) South Texas Pro Bono Asylum Representation Project (ProBAR)
(a project of the American Bar Association Commission on Immigration)
301 E. Madison Ave.
Harlingen, Texas 78550
T: 956 (b)(6)
F: 956.425.9233
(b)(6)@americanbar.org
www.americanbar.org/immigration

From: [DHSOIGHotlineMailbox](#)
To: [JOINT INTAKE](#)
Cc: [CRCLCompliance](#); (b)(6)
Subject: DHS OIG C1314263
Date: Wednesday, August 21, 2013 3:14:16 PM
Attachments: [C1314263.pdf](#)

Office of Inspector General

U.S. Department of Homeland Security



**Homeland
Security**

The below information is furnished for whatever administrative action or inquiry you consider appropriate. Should your office take any administrative or personnel action in response to this information, you are requested to report the final result of that action within 30 business days of its conclusion.

If your review of this matter discloses evidence of previously unreported criminal misconduct that is reportable under Management Directive 0810.1, you are required to notify this office of that information before any additional investigative steps are taken.

From: (b)(6)
To: (b)(6)
Subject: Cmplt. 13-10-CBP-0309 (b)(6)
Date: Wednesday, November 05, 2014 1:21:43 PM

(b)(6)

I finished review the case file for the above referenced complaint and would be happy to give you the quick and dirty on it at your convenience. To address your specific questions:

1.

(b)(5),(b)(6)

2.

(b)(5),(b)(6)

3. There are no claims related to Credible Fear.

(b)(6)

Office for Civil Rights & Civil Liberties
Department of Homeland Security
Phone: (202) 357-(b)(6)

(b)(6) [@hq.dhs.gov](mailto:(b)(6)@hq.dhs.gov)

P Please consider the environment before printing this e-mail message.

WARNING: This document is FOR OFFICIAL USE ONLY (FOUO). It contains information that may be exempt from public release under the Freedom of Information Act (5 U.S.C. 552). It is to be

controlled, stored, handled, transmitted, distributed, and disposed of in accordance with DHS policy relating to FOUO information and is not to be released to the public or other personnel who do not have a valid "need-to-know" without prior approval of an authorized DHS official.



**Homeland
Security**

April 3, 2014

(b)(6)

South Texas Pro Bono Asylum Representation Project (ProBAR)
119 W. Van Buren (b)(6)
Harlingen, TX 78550

Re: Complaint No. 13-10-CBP-0309

(b)(6)

Dear Ms. (b)(6)

The Department of Homeland Security's (DHS) Office for Civil Rights and Civil Liberties (CRCL) received information from you on July 31, 2013, on behalf of unaccompanied minor (b)(6) concerning her treatment by agents of U.S. Customs and Border Protection (CBP) in the Rio Grande Valley Border Patrol Sector in Texas around July 2, 2013. Thank you for contacting us with your concerns.

Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, CRCL has the responsibility to review and assess complaints against Department of Homeland Security (DHS) employees and officials concerning violations of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion.

CRCL takes allegations of violations of civil rights and civil liberties very seriously. We have determined that your allegations should be investigated by CBP; a component of DHS, which will report its findings to CRCL. CBP will conduct an investigation as to whether proper procedures were followed and whether (b)(6) received adequate treatment from CBP while in custody.

We will review CBP's findings and assess compliance with civil rights requirements in these areas. The purpose of this process is to determine if your allegations raise issues that should and can be addressed by the management of DHS.

Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, our complaint process does not provide individuals with legal or procedural rights or remedies. Accordingly, CRCL is not able to obtain any legal remedies or damages on your behalf or that of (b)(6). Instead, we use complaints like yours to find and address problems in DHS policy and its implementation. If you believe the Complainant's rights have been violated, she may wish to consult an attorney. There may be time limitations that govern how quickly she may need to act to protect her interests.

Please note that Federal law forbids retaliation or reprisal by any Federal employee against a person who makes a complaint or discloses information to CRCL. 42 U.S.C. § 2000ee-1(e). If you believe that you or someone else is a victim of such a reprisal, please contact us immediately.

CBP or CRCL will contact you if additional information is needed or to report on the Department's review of this matter. If you have any questions concerning this referral, you may contact CRCL by phone at 866-644-8360, 866-644-8361 (TTY), or by email at crclcompliance@hq.dhs.gov. When you communicate with us, please include the complaint number. In addition, it is very important to notify us of any changes in your address or telephone number.

We thank you for your complaint; inquiries like yours help DHS meet its obligation to protect civil rights and civil liberties. You can expect to receive a letter from us informing you how the Department concluded this matter.

Sincerely,

(b)(6)



Acting Director, Compliance Branch
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security



Homeland
Security

April 3, 2014

MEMORANDUM FOR:

(b)(6),(b)(7)(C)

Office of Internal Affairs
U.S. Customs and Border Protection

Scott Falk
Chief Counsel
U.S. Customs and Border Protection

FROM:

(b)(6)

(b)(6)

Director, Compliance Branch
Office for Civil Rights and Civil Liberties

(b)(6)

Attorney Advisor
Office of General Counsel

SUBJECT:

13-10-CBP-0309

(b)(6)

14-01-CBP-0087

14-01-CBP-0104

(b)(6)

14-03-CBP-0028

14-03-CBP-0044

14-03-CBP-0046

(b)(6)

The Office for Civil Rights and Civil Liberties (CRCL) has received a complaint alleging that U.S. Customs and Border Protection (CBP) has violated multiple individual's civil rights or civil liberties. The purpose of this memorandum is to notify you of the complaints and to inform you that we are referring these complaints to CBP for investigation. We request that the appropriate office within your component complete an inquiry into the enclosed complaints within 180 days of the date of this referral. Please see the attached Referred Complaint Assistance Form for guidance regarding this inquiry.

CRCL authorities. Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, CRCL is charged with investigating and assessing complaints against DHS employees and officials of abuses of civil

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rights, civil liberties, and profiling on the basis of race, ethnicity, or religion. The procedures for our investigations and the recommendations they may engender are outlined in Department of Homeland Security (DHS) Management Directive 3500. We have received information concerning the above listed complaints that may fall under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1.

Access to information. More particularly, 42 U.S.C. § 2000ee-1(d) grants CRCL access to the “information, material, and resources necessary to fulfill the functions” of the office, including the complaint investigation function; Management Directive 3500 further authorizes CRCL to:

- “Notify the relevant DHS component(s) involved of the matter and its acceptance by CRCL, and whether the matter will be handled by CRCL or by the component organization”;
- “Interview persons and obtain other information deemed by CRCL to be relevant and require cooperation by all agency employees”; and
- “Access documents and files that may have information deemed by CRCL to be relevant.”

Reprisals forbidden. In addition, 42 U.S.C. § 2000ee-1(e) forbids any Federal employee to subject a complainant or witness to any “action constituting a reprisal, or threat of reprisal, for making a complaint or for disclosing information to” CRCL in the course of this investigation.

This memorandum and the Referred Complaint Assistance Form are pursuant to these authorities.

Privilege and required transparency. Our communications with CBP personnel and documents generated during this review, particularly the final report, will be protected to the maximum extent possible by attorney-client and deliberative process privileges. Under 6 U.S.C. § 345(b), however, we submit an annual report to Congress—also posted on CRCL’s Web site—that is required to detail “any allegations of [civil rights] abuses . . . and any actions taken by the Department in response to such allegations.”

When the inquiry is complete, please contact CRCL with your component’s findings and recommendations. CRCL will review the matter in accordance with our mission to assist DHS to secure the Nation while preserving individual liberty, fairness, and equality under the law. We look forward to working with your staff on this matter, will notify you when we have closed these complaints, and will provide you with any recommendations resulting from these complaints.

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If you have any questions concerning this referral, please do not hesitate to contact my colleague, (b)(6) by phone at 202-357-(b)(6) 866-644-8360 (TTY), or by email at (b)(6) [@hq.dhs.gov](mailto:(b)(6)@hq.dhs.gov).

Copies to:

(b)(6),(b)(7)(C) bp.dhs.gov
(b)(6),(b)(7)(C) @cbp.dhs.gov

Enclosure

Protected by Attorney-Client and Deliberative Process Privileges

From: CRCL_DHSOIGHotline
To: (b)(6) CRCL_DHSOIGHotline
Cc: (b)(6)
Subject: RE: CRCL Complaint Number 13-10-CBP-0309
Date: Wednesday, January 22, 2014 1:57:58 PM

Office of Inspector General

U.S. Department of Homeland Security



**Homeland
Security**

The below information has been reviewed and is returned for whatever administrative action or inquiry you consider appropriate. Should any administrative or personnel action result from your response to this information, you are requested to report the final result of that action within 30 business days of its conclusion.

If your review of this matter discloses evidence of previously unreported criminal misconduct that is reportable under Management Directive 0810.1, you are required to notify this office of that information before any additional investigative steps are taken.

From: (b)(6) @associates.hq.dhs.gov]
Sent: Wednesday, January 22, 2014 12:25 PM
To: CRCL_DHSOIGHotline
Cc: (b)(6)
(b)(6)
Subject: CRCL Complaint Number 13-10-CBP-0309

DHS.OIG,

Summary of new complaint for your review:

THIS MATTER INVOLVES AN UNACCOMPANIED MINOR. On July 31, 2013, CRCL received email correspondence from (b)(6) of Children's Project South Texas Pro Bono Asylum Representation Project (ProBAR) on behalf of unaccompanied alien child (UAC) (b)(6). According to EARM records, the UAC was apprehended by Border patrol (BP) on July 2, 2013 in Raymondville, Texas, the Rio Grande Valley BP Sector, then transported to Harlingen BP Station. The UAC states that while in BP custody in Brownsville, Texas for four days (July 3-6, 2013) a male BPA who was bald, dark skin, always wears sunglasses, and was called by other BPAs the nickname "mala caras", abused his authority, called the UAC a slut, refused to feed the UACs and never let the UACs sleep. Allegedly, the BPA would grab and throw the UACs' blankets and yell that if he cannot sleep then they cannot either. Also, the UAC states that the BPA stepped on her foot, then he stated "sorry I thought it was a piece of trash". The UAC states that the day she left she told a white nice female BPA who always fed the UACs about the male BPA abuse of authority, and she told the UAC not to worry since she was leaving that day.

Thank you.

(b)(6)

Compliance Branch
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security
(202)357-(b)(6) (o)

(b)(6) [@associates.hq.dhs.gov](mailto:(b)(6)@associates.hq.dhs.gov)

This message may contain attorney-client communications, attorney work product, and agency deliberative communications, all of which may be privileged and not subject to disclosure outside the agency or to the public. Please consult with the Department of Homeland Security, Office of the General Counsel before disclosing any information contained in this email.



REFERRED COMPLAINT ASSISTANCE	
Assigned To:	U.S. Customs and Border Protection
Requested From:	DHS Headquarters Office for Civil Rights and Civil Liberties (CRCL)
POC:	(b)(6) @hq.dhs.gov
Date Referred to CBP:	April 3, 2014
Deadline to CRCL:	Within 180 days of the date on the attached memo.
CRCL Complaint No:	13-10-CBP-0309 (b)(6) 14-01-CBP-0087 14-01-CBP-0104 14-03-CBP-0028 14-03-CBP-0044 14-03-CBP-0046

SYNOPSIS

13-10-CBP-0309: On July 31, 2013, CRCL received email correspondence from Children's Project South Texas Pro Bono Asylum Representation Project (ProBAR) on behalf of unaccompanied alien child (UAC) (b)(6). The UAC alleges denial of food, verbal abuse, and that she was in BP custody over 72 hours. According to EARM records, the UAC was apprehended by U.S. Border Patrol (USBP) on July 2, 2013 in Raymondville, Texas, and then transported to the Harlingen BP Station. The UAC states that while in BP custody in Brownsville, Texas from July 3-6, 2013, a male BPA who was bald, dark skinned, and was called by the other BPAs the nickname "mala caras," abused his authority by calling the UAC a slut, refusing to feed the UACs, and never letting the UACs sleep. The UAC states that the day she left she told a White female BPA about the incidents with the other agent and the female agent replied not to worry since the UAC was leaving that day.

14-01-CBP-0087: On October 21, 2013, CRCL received email correspondence from ProBAR on behalf of UAC (b)(6). Allegedly, the UAC was in USBP custody for over 72 hours before transport to U.S. Department of Health and Human Services Office of Refugee Resettlement (HHS ORR) custody. According to EARM records, the UAC was apprehended on September 22, 2013 by USBP in Mission, Texas, and then transported to the Weslaco BP Station for processing.

14-01-CBP-0104: On October 21, 2013, CRCL received email correspondence from ProBAR on behalf of UAC (b)(6). According to EARM records, the UAC was apprehended by USBP on September 16, 2013 in Hidalgo, Texas, and then transported to the Weslaco BP Station. The UAC states that during processing at the Weslaco Station, a female agent asked him if he wanted to see the doctor, the UAC responded yes, but the female agent then asked if it was urgent, and the UAC responded no. The UAC states that he had a headache, stomach ache, body aches, throat ache, and was dehydrated. The UAC reports that the processing agent then stated that she would inform the next station, so they could take the UAC to the doctor. The UAC states that when he was taken to the next station, a male agent asked if anyone wanted to see the doctor, and the UAC states he responded yes. The UAC states that he

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Law Enforcement Sensitive*



told the agent about his request for medical attention at the first station, but was not provided medical attention. The UAC states that afterwards, at about 6 am he was taken to the HHS ORR shelter.

14-03-CBP-0028: On December 10, 2013, CRCL received a Significant Incident Report (SIR) dated December 10, 2013 from HHS ORR regarding UAC (b) (6). Allegedly, the UAC was in USBP custody for over 72 hours before transport to HHS ORR custody. According to EARM records, the UAC was apprehended by USBP on December 3, 2013 in Hidalgo, Texas, and then transported to the Weslaco Station for processing. According to EARM records, the UAC was booked in HHS ORR custody on December 10, 2013. The SIR states that during apprehension BPA M. Rodriguez found him hiding in the bushes, grabbed him, handcuffed him, kicked him on the leg knocking the UAC to the ground, and then yelled profanity. The UAC described the apprehending agent as dark skin, black hair, no glasses, and about six-feet tall.

14-03-CBP-0044: On December 5, 2013, CRCL received email correspondence from ProBAR on behalf of UAC (b) (6). Allegedly, the UAC was in USBP custody for over 72 hours before transport to HHS ORR custody. According to EARM records, the UAC was apprehended by Border Patrol on October 20, 2013 in Havana, Texas, and then transported to the Weslaco Station for processing.

14-03-CBP-0046: On December 29, 2013 CRCL received email correspondence from ProBAR on behalf of UAC (b) (6). Allegedly, the UAC was in USBP custody for over 72 hours before transport to HHS ORR custody. According to EARM records, the UAC was apprehended by USBP on November 1, 2013 in Hidalgo, Texas, and then transported to the Weslaco Station. The UAC alleges that during apprehension a male agent asked him where he was from, and then threw a rock at his hand leaving a bruise on his thumb nail.

ISSUES/ALLEGATIONS

Issues/Allegations

to be addressed in CBP's Fact
Finding Report/ROI submitted to
DHS CRCL:

1. (b) (6) How long were the above mentioned UACs in USBP custody?
 - When was each UAC identified as a juvenile?
 - Were the UACs in USBP custody over 72 hours? If so, why?
 - When was HHS ORR contacted requesting bed space for each UAC?
 - When was USBP notified that bed space was available for each UAC?
2. Whether USBP followed policy and procedure in the length of custody of the UACs, including but not limited to:
 - Whether USBP agents documented all of the transfers of the UACs, including notes of the reason for transfer.
 - If the UACs were in USBP detention exceeding 72 hours, what was the time and the date the Patrol Agents in Charge and Field Office Juvenile Coordinator were

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Law Enforcement Sensitive*



	<p>(b)(5),(b)(6) notified about the extended detention?</p> <p>3. Whether USBP followed policy and procedure in the apprehension and detention of (b) (6) (b) (6) and (b) (6) including but not limited to:</p> <ul style="list-style-type: none">• What were the circumstances surrounding (b) (6) (b) (6) and (b) (6) apprehension?• Whether (b) (6) and (b) (6) received or requested medical care immediately after apprehension or while in USBP custody?• Whether (b) (6) and (b) (6) were medically screened? If so, what were the findings? <p>4. Did USBP provide (b) (6) water and food in accordance with USBP hold room policy?</p>
<p>Information/Documents requested by DHS CRCL:</p>	<ol style="list-style-type: none">1. I-213s and narratives, I-770s, Form 93s concerning the UACs identified in the complaints.2. Copies of all e3 detention logs and notes for all UACs identified in the complaints.3. Copies of the Initial Placement Referral Form for all UACs identified in the complaints.4. Statements from the USBP agents involved in all the UACs' apprehension and processing, addressing the circumstances surrounding the allegations.5. Any existing reports or records related to the reason for the extended detention and transfers of the UACs.6. All available medical records for UAC (b) (6) (b) (6) including records demonstrating the UACs were screened for medical issues, or that processing agents observed and/or sought treatment for any reported injuries.

October 18, 2013

Department of Homeland Security
Attn: Office of Inspector General
245 Murray Drive, SW, Building 410
Washington, DC 20528

RE: Weslaco Border Patrol

Dear Sir or Madam:

Our office requests that the Office of Inspector General investigate the behavior of Border Patrol Officers in Weslaco, Texas, where we have received a **report of physical abuse and civil rights violations of an unaccompanied minor**. We are attaching the affidavit signed by the minor.

- (b)(6) previously detained at the Baptist Child and Family Services (BCFS) facility in Harlingen, Texas. For your reference the event number is (b)(6)

(b)(6) reports being mistreated by Border Patrol Officers in or near Weslaco, Texas. (b)(6) states that on or about September 12, 2013, he crossed the border. While at the processing station, (b)(6) explains that he was intimidated and pushed by an Officer. He adds that this processing station was very cold; he felt that was fed in an inhumane manner due to the small portions.

The minor's declaration provides more detailed information on the abuse outlined above.

Unaccompanied minors who are in custody deserve the fair and humane treatment that is outlined in the Flores settlement. I trust that your agency will be able to use this information to identify any individuals involved in the abuses and to advocate for Border Patrol's compliance with the standards for treatment of minors in custody.

We are looking forward to hearing from you concerning this complaint. Please note that the minor's signature on page two of his complaint authorizes your agency to release information about any investigation of this complaint to ProBAR, and we request that you do so. If you have any questions, please contact me at (956) (b)(6). Thank you for your prompt attention to this matter.

Respectfully,

(b)(6)

Attorney at Law

cc: DHS Office of the Inspector General
245 Murray Drive, SW, Building 410/Mail Stop 2600
Washington, DC 20528
Via facsimile to (202) 254-4297

Department of Homeland Security
Office for Civil Rights and Civil Liberties
245 Murray Drive, SW, Building 410
Washington, DC 20528
Via electronic mail to CRCLCompliance@hq.dhs.gov

Department of Homeland Security
Joint Intake Center, ICE/CBP
P.O. Box 14475
1200 Pennsylvania Avenue, NW
Washington, DC 20044
Via facsimile to (202) 344-3390

Department of Homeland Security
Office of Internal Audit
425 "I" Street, NW
Washington, DC 20530

Commission on Immigration
American Bar Association
1050 Connecticut Ave., NW, Suite 400
Washington, DC 20036
Via electronic mail

Customs and Border Protection
Weslaco Station
1501 E. Expressway 83
Weslaco, Texas 78559

My full and complete name is:

(b)(6)

My assigned Alien number is:

I was detained by Border Patrol Agents at or near: Hidalgo, TX

I was detained by Border Patrol Agents on or about: September 12, 2013

My age at the time I was detained: 15 FINS #:

(b)(6)

Event #:

(b)(6)

Border Patrol Agent:

Supervisor:

(b)(6), (b)(7)(C)

Location of Border Patrol Agent: Weslaco, TX

I, (b)(6) declare and affirm that the following took place:

We were in the safehouse and someone knocked the door. Officials came in and took everyone in to a bus. Then they transported us to the DHS facilities. Once we arrived they yelled at us in a high tone voice with authority. They divided us between male or female and minor or adult. After all that they were threatening him with deportation because we finished signing some documents. I was panicked, but I felt they just did it to intimidate us. After all it was done, one of the officials pushed me because they were trying to do things fast. The facility was really cold. The inhumane way they would feed us, they would give a small sandwich for almost 2 days being detained.

I declare and affirm under penalty of perjury that the content of this declaration is true and correct to the best of my knowledge. I authorize any agency or entity receiving this complaint or a copy of this complaint to release any and all information about this complaint or its investigation to South Texas Pro Bono Asylum Representation Project (ProBAR).

(b)(6)

Signature

09-16-2013

Date

I, (b)(6), hereby declare under penalty of perjury that I am competent in both English and Spanish, and have translated to the best of my abilities the foregoing affidavit from Spanish to English.

(b)(6)

09/16/2013

Date

From: CRCLCompliance
To: (b)(6)@americanbar.org
Subject: Follow-up to DHS CRCL Contact-DHS-14-0181
Date: Friday, March 28, 2014 5:34:00 PM
Attachments: image001.png
Contact-DHS-14-0181 (10.21.2013).pdf

Dear Ms. (b)(6)

Please see the attached correspondence from the U.S. Department of Homeland Security's Office for Civil Rights and Civil Liberties. Thank you.

Sincerely,
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security



This message, along with any attachments, is covered by federal and state law governing electronic communications and may contain confidential and legally privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, use, or copying of this message is strictly prohibited. If you have received this message in error, please notify the sender immediately by reply e-mail, and delete the message.

In addition, this message may be used FOR OFFICIAL USE ONLY (FOUO) and/or contains information that may be exempt from public release under the Freedom of Information Act (5 U.S.C. 552). Therefore, it is to be controlled, stored, handled, transmitted, distributed, and disposed of in accordance with U.S. Department of Homeland Security (DHS) policy relating to FOUO information, and is not to be released to the public or other personnel who do not have a valid "need-to-know" without prior approval of an authorized DHS official. Thank you.



**Homeland
Security**

March 28, 2014

Via Electronic Mail

(b)(6)

ProBAR South Texas Pro Bono Asylum Representation Project

(b)(6)

@americanbar.org

Re: Contact No. Contact-DHS-14-0181

(b)(6)

Dear Ms.

(b)(6)

The U.S. Department of Homeland Security's (DHS) Office for Civil Rights and Civil Liberties (CRCL) received information from you on October 21, 2013 on behalf of (b)(6). Thank you for bringing your concerns to our attention.

After carefully reviewing the information you provided, CRCL has recorded it in a database so that we can track issues of the type you raised in order to identify patterns of violations of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion by employees and officials of the Department of Homeland Security.

CRCL has an open complaint investigation addressing issues similar to the ones you raised. As we complete that investigation, we will take into account the issues described in your complaint and may incorporate your information, as appropriate, when we prepare our report to U.S Customs and Border Protection.

For any future correspondence you wish to send to CRCL about this matter, please include the Contact-DHS-14-0181 noted at the top of this letter. For more information about CRCL's roles and responsibilities, please visit our website at <http://www.dhs.gov/crcl>.

Please be advised that CRCL does not provide individuals with legal or procedural rights or remedies. Accordingly, CRCL is not able to obtain any legal remedies or damages on your behalf. Instead, we use information in correspondence like yours to find and address problems in DHS policy and its implementation. If you believe your rights have been violated, you may wish to consult an attorney. There may be time limitations that govern how quickly you need to act to protect your interests.

Please note that Federal law forbids retaliation or reprisal by any Federal employee against a person who makes a complaint or discloses information to CRCL. 42 U.S.C. § 2000ee-1(e). If you believe that you or someone else is a victim of such a reprisal, please contact us immediately.

Thank you again for contacting the Office for Civil Rights and Civil Liberties. Inquiries like yours help DHS meet its obligation to protect civil rights and civil liberties.

Sincerely,

Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security

From: [DHSOIGHotlineMailbox](#)
To: (b)(6) [CRCL_DHSOIGHotline](#)
Cc: (b)(6)
Subject: RE: CRCL Complaint Number 14-01-CBP-0087
Date: Thursday, February 27, 2014 3:32:09 PM

Office of Inspector General

U.S. Department of Homeland Security



**Homeland
Security**

The below information has been reviewed and is returned for whatever administrative action or inquiry you consider appropriate. Should your office take any administrative or personnel action in response to this information, you are requested to report the final result of that action within 30 business days of its conclusion.

If your review of this matter discloses evidence of previously unreported criminal misconduct that is reportable under Management Directive 0810.1, you are required to notify this office of that information before any additional investigative steps are taken.

From: (b)(6) @associates.hq.dhs.gov]
Sent: Monday, February 24, 2014 2:56 PM
To: CRCL_DHSOIGHotline
Cc: (b)(6)
(b)(6)
Subject: CRCL Complaint Number 14-01-CBP-0087

DHS OIG,

Summary of new complaint for your review:

THIS MATTER INVOLVES AN UNACCOMPANIED MINOR. On October 21, 2013, CRCL received email correspondence from (b)(6) of Children's Project South Texas Pro Bono Asylum Representation Project (ProBAR) on behalf of unaccompanied alien child (UAC) (b)(6). (b)(6) According to EARM records, the UAC was apprehended on September 22, 2013 by Border Patrol in Mission, Texas (Rio Grande Valley Sector), and then transported to Weslaco BP Station for processing. The UAC alleges that during apprehension a Border Patrol agent caught him while he was running and kicked him in the back. The UAC was in BP custody for over 72 hours prior to be transferred to HHS ORR.

Thank you.

(b)(6)

Compliance Branch

Office for Civil Rights and Civil Liberties

U.S. Department of Homeland Security

 (202)357- (b)(6) (o)
@associates.hq.dhs.gov



WARNING: This document is FOR OFFICIAL USE ONLY (FOUO). It contains information that may be exempt from public release under the Freedom of Information Act (5 U.S.C. 552). It is to be controlled, stored, handled, transmitted, distributed, and disposed of in accordance with DHS policy relating to FOUO information and is not to be released to the public or other personnel who do not have a valid "need-to-know" without prior approval of an authorized DHS official.

From: (b)(6)
To: [CRCLCompliance](#)
Subject: CBP complaints
Date: Monday, October 21, 2013 11:15:20 AM
Attachments: [CBP complaint Weslaco](#) (b)(6) 0.18.13.pdf
[CBP complaint Weslaco](#) 8.13.pdf
[CBP complaint McAllen](#) 10.18.pdf
[CBP complaint Weslaco](#) 8.13.pdf
[CBP complaint Weslaco](#) 13.pdf
[CBP complaint Weslaco](#) 10.18.13.pdf
[CBP complaint Weslaco](#) 0.18.13.pdf

Good Morning,

I have attached seven recent complaints by unaccompanied minors against CBP.

Thank you for your time.

Best,

(b)(6)

Children's Staff Attorney
South Texas Pro Bono Asylum Representation Project (ProBAR)
(a project of the American Bar Association Commission on Immigration)
119 W. Van Buren (b)(6)
Harlingen, TX 78550
tele: (956) (b)(6)

October 18, 2013

Department of Homeland Security
Attn: Office of Inspector General
245 Murray Drive, SW, Building 410
Washington, DC 20528

RE: Weslaco Border Patrol

Dear Sir or Madam:

Our office requests that the Office of Inspector General investigate the behavior of Border Patrol Officers in Weslaco, Texas, where we have received a **report of physical abuse of an unaccompanied minor**. We are attaching the affidavit signed by the minor.

- (b)(6) previously detained at the Baptist Child and Family Services (BCFS) facility in Harlingen, Texas. For your reference the event number is (b)(6)

(b)(6) reports being mistreated by Border Patrol Officers in or near Weslaco, Texas. (b)(6) states that on or about September 22, 2013, he crossed the border. He explains that after walking for about three hours he hid in the brush. Next, he states that an Official kicked him in the back.

The minor's declaration provides more detailed information on the abuse outlined above.

Unaccompanied minors who are in custody deserve the fair and humane treatment that is outlined in the Flores settlement. I trust that your agency will be able to use this information to identify any individuals involved in the abuses and to advocate for Border Patrol's compliance with the standards for treatment of minors in custody.

We are looking forward to hearing from you concerning this complaint. Please note that the minor's signature on page two of his complaint authorizes your agency to release information about any investigation of this complaint to ProBAR, and we request that you do so. If you have any questions, please contact me at (956) (b)(6). Thank you for your prompt attention to this matter.

Respectfully,

(b)(6)



Attorney at Law

cc: DHS Office of the Inspector General
245 Murray Drive, SW, Building 410/Mail Stop 2600
Washington, DC 20528
Via facsimile to (202) 254-4297

Department of Homeland Security
Office for Civil Rights and Civil Liberties
245 Murray Drive, SW, Building 410
Washington, DC 20528
Via electronic mail to CRCLCompliance@hq.dhs.gov

Department of Homeland Security
Joint Intake Center, ICE/CBP
P.O. Box 14475
1200 Pennsylvania Avenue, NW
Washington, DC 20044
Via facsimile to (202) 344-3390

Department of Homeland Security
Office of Internal Audit
425 "I" Street, NW
Washington, DC 20530

Commission on Immigration
American Bar Association
1050 Connecticut Ave., NW, Suite 400
Washington, DC 20036
Via electronic mail

Customs and Border Protection
Weslaco Station
1501 E. Expressway 83
Weslaco, Texas 78559

My full and complete name is:

(b)(6)

My assigned Alien number is:

I was detained by Border Patrol Agents at or near: Hidalgo, TX

I was detained by Border Patrol Agents on or about: September 22

My age at the time I was detained: 17 FINS #:

(b)(6)

Event #:

(b)(6)

Border Patrol Agent:

(b)(6), (b)(7)(C)

Supervisor:

(b)(6), (b)(7)(C)

Location of Border Patrol Agent: Weslaco, Texas

I, (b)(6) declare and affirm that the following took place:

I was close to McAllen and we walked 3 hours and 1 "guia" * led us, and eventually we were waiting for them. BP* came with a helicopter and dogs and they came and started to pursue us. We ran and he hid ourselves between the bushes. Nobody saw us. I was waiting for 5 minutes. Then, a BP officer came and kicked me on my back, told me "come" levantate*, he grabbed me from my shirt and stood me up. After that he just was walking behind me, until we got to his truck.

* guia = guide

* BP = Border patrol

* levantate = get up

Lined area for text entry.

I declare and affirm under penalty of perjury that the content of this declaration is true and correct to the best of my knowledge. I authorize any agency or entity receiving this complaint or a copy of this complaint to release any and all information about this complaint or its investigation to South Texas Pro Bono Asylum Representation Project (ProBAR).

(b)(6)

Signature

10/3/13

Date

I, (b)(6), hereby declare under penalty of perjury that I am competent in both English and Spanish, and have translated to the best of my abilities the foregoing affidavit from Spanish to English.

(b)(6)

Signature

10/3/13

Date



**Homeland
Security**

March 6, 2014

Via electronic mail

(b)(6)

Children's Staff Attorney
South Texas Pro Bono Asylum Representation Project (ProBAR)
119 W. Van Buren, (b)(6)
Harlingen, TX 78550
(b)(6)@americanbar.org

Re: Complaint No. 14-01-CBP-0087

(b)(6)

Dear Ms. (b)(6)

The Department of Homeland Security's Office for Civil Rights and Civil Liberties (CRCL) received your complaint on October 21, 2013, on behalf of (b)(6). Thank you for contacting us with your concerns. CRCL reviews and assesses information concerning abuses of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion, by employees and officials of the Department of Homeland Security (DHS).

The issues you raise are very important to us, and we would like to inform you how your complaint will be processed by CRCL. Initially, we will send your complaint to the DHS Office of the Inspector General for review. If the Inspector General declines to accept the complaint, it will be returned to CRCL for an appropriate response. Once CRCL opens a formal complaint, either we or the appropriate DHS component will conduct an investigation into your concerns. CRCL may contact you during the course of investigation of your complaint. We will ultimately notify you of the outcome.

Please be advised that our complaint process does not provide individuals with legal or procedural rights or remedies. Accordingly, CRCL is not able to obtain any legal remedies or damages on your behalf. Instead, we use complaints like yours to find and address problems in DHS policy and its implementation. If you believe your rights have been violated, you may wish to consult an attorney. There may be time limitations that govern how quickly you need to act to protect your interests.

If you have not already done so, please provide CRCL with your complete contact information, including a phone number, email, and mailing address if available. You may contact CRCL by email at CRCLCompliance@hq.dhs.gov, by facsimile at 202-401-4708, or by mail at the following address:

Department of Homeland Security
Office for Civil Rights and Civil Liberties
Compliance Branch
245 Murray Lane, SW
Building 410, Mail Stop 0190
Washington, DC 20528

For additional information about CRCL's roles and responsibilities, please visit our website at <http://www.dhs.gov/crcl>.

If you are filing a complaint on behalf of an individual, please provide CRCL with the express written consent of the individual if you would like to be informed about the resolution of this complaint, if you have not already done so. When communicating with CRCL about this matter, please include the complaint number noted at the top of this letter.

Please note that Federal law forbids retaliation or reprisal by any Federal employee against a person who makes a complaint or discloses information to CRCL. 42 U.S.C. § 2000ee-1(e). If you believe that you or someone else is a victim of such a reprisal, please contact us immediately.

Thank you again for contacting the Office for Civil Rights and Civil Liberties. Communications like yours are essential to our ability to carry out our role of supporting the Department's mission to secure the nation while preserving individual liberty, fairness, and equality under the law. We look forward to working with you to address your concerns. If you have questions, please contact CRCL either in writing or by phone at 866-644-8360, 866-644-8361 (TTY).

Sincerely,

(b)(6)

Acting Director, Compliance Branch
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security

Privacy Act Statement

Authority: 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1 authorizes the collection of this information.

Purpose: The Department of Homeland Security (DHS) will use this information to review and investigate complaints and information from the public about possible violations of civil rights and/or civil liberties relating to DHS employees, programs, or activities.

Routine Uses: This information may be disclosed to and used by personnel and contractors within DHS who have a need to know the information in order to review your complaint. The DHS Office for Civil Rights and Civil Liberties (CRCL) may also share your information, as necessary, with appropriate government agencies outside of DHS or with non-government entities to address your complaint, or pursuant to its published Department of Homeland Security/ ALL-029 Civil Rights and Civil Liberties Records System of Records.

Disclosure: Furnishing this information to CRCL is voluntary; however, failure to furnish the requested information may delay or prevent CRCL from adequately reviewing and investigating your complaint. If necessary, CRCL may also request additional information from you in order to determine the appropriate manner to address your concerns.

To learn more about the Privacy Act, go to www.dhs.gov/privacy.



Homeland
Security

March 27, 2015

(b)(6)
ProBAR Children's Project
119 W. Van Buren Ave, (b)(6)
Harlingen, Texas 78550
(b)(6)@gmail.com

Re: Complaint No.14-01-CBP-0087

Dear Ms. (b)(6)

This letter is in response to the information the U.S. Department of Homeland Security's (DHS) Office for Civil Rights and Civil Liberties (CRCL) received from you on October 21, 2013, on behalf of (b)(6) alleged that, on September 22, 2013, during his apprehension in the Rio Grande Valley Border Patrol Sector, a Border Patrol Agent caught him while he was running and kicked him in the back.

Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, CRCL has the responsibility to review and assess complaints against DHS employees and officials concerning violations of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion. Accordingly, CRCL referred Mr. (b)(6) allegations to U.S. Customs and Border Protection (CBP) for investigation. In response, CBP provided a Report of Investigation (ROI), including e3 records, apprehension records, and statements from the apprehending agents. CRCL has reviewed CBP's ROI and related documentation. CRCL agrees with CBP's determination that based on the available evidence, the allegations of mistreatment could not be substantiated.

Regarding the physical abuse allegation, CRCL reviewed the apprehension record, including the apprehending agent's statements and medical screening records. No report of physical abuse or use of force was identified by CBP or the apprehending agent. CBP was unable to identify the agent alleged to have kicked Mr. (b)(6) due to the lack of identifiable information provided in the original complaint. In addition, Border Patrol did not provide any records indicating that Mr. (b)(6) made a complaint of mistreatment or a request for medical attention while in Border Patrol custody. Mr. (b)(6) was screened by several agents during intake, processing, and welfare checks, and his I-213 health questionnaire, Juvenile Screening Form, and the e3 Juvenile Detention Module do not contain an allegation of being kicked or injured. Accordingly, CRCL cannot substantiate the allegation of physical abuse.

Based on this Office's review of the facts and circumstances presented in this matter, we have concluded that Mr. (b)(6) concerns have been addressed and we are closing his complaint. We thank you for this complaint; inquiries like this one help the Department of Homeland Security meet its obligation to protect civil rights and civil liberties.

Sincerely,

(b)(6)

Director, Compliance Branch
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security



Homeland Security

To: (b) (6)
From: (b) (6)
Date: March 27, 2015
Complaint Number: 14-01-CBP-0087
Complainant Name(A#): (b) (6)

Finding(s) for Closure without Recommendations - (check all that apply):

<input checked="" type="checkbox"/> (b) (3) Insufficient information to investigate	<input type="checkbox"/> Allegation(s) substantiated but does not warrant recommendations
<input type="checkbox"/> Withdrawal of complaint	<input type="checkbox"/> No finding of detention standards violations
<input type="checkbox"/> Lack of jurisdiction	<input checked="" type="checkbox"/> No finding of policy or procedure violations
<input type="checkbox"/> Allegation(s) overtaken by events	<input type="checkbox"/> Complaint being handled as part of a related complaint (Related)
<input type="checkbox"/> Component and/or facility has already corrected the problem	<input type="checkbox"/> Other (provide details):
<input type="checkbox"/> Allegation(s) against component, individual, and/or facility unfounded	
<input checked="" type="checkbox"/> Allegation(s) against component, individual, and/or facility unsubstantiated	

Reason for Closing:

On October 21, 2013, CRCL received a complaint from ProBAR alleging that on September 22, 2013, unaccompanied child (UAC), (b) (6) was apprehended in Mission, Texas (Rio Grande Valley Sector), and during apprehension, a Border Patrol Agent (BPA) caught him while he was running and kicked him in the back. In addition, based on the EARM records, CRCL decided to investigate whether Mr. (b) (6) was allegedly detained in U.S. Border Patrol (USBP) custody for more than 72 hours.

On April 3, 2014, CRCL referred Mr. (b) (6) allegations to CBP. On October 9, 2014, CRCL received CBP's Report of Investigation, including e3 records, the Initial Placement Referral Form, apprehension records, and statements from the agents involved in Mr. (b) (6) apprehension and processing. CBP concluded its inquiry and was unable to substantiate these allegations.

(b)(5),(b)(6)
Based on pur review of CBP's information, CRCL found that Mr. (b) (6) was held in CBP custody for less than 72 hours, and CBP followed the Border Patrol *Hold Rooms and Short Term Custody* policy regarding timely placement notifications to the ICE FOJC and HHS ORR. The Weslaco Border Patrol Station documented in the e3 detention logs the notification of the FOJC and HHS ORR requesting bed space on September 22, 2013, for Mr. (b) (6) within 24 hours of his arrest. USBP received HHS ORR placement notification that bed space was available on September 25, 2013. The log shows that Mr. (b) (6) was held in CBP custody for 63 hours and 56 minutes.

In addition, due to the lack of identifying information for the BPA who allegedly kicked Mr. (b) (6) CRCL also cannot substantiate the physical abuse allegation. CBP was

Protected by the Deliberative Process Privilege

(b)(5),(b)(6)

unable to identify the agent who allegedly kicked Mr. (b) (6) due to the lack of identifiable information provided in the complaint. USBP did not have any records indicating that Mr. (b) (6) made a complaint of mistreatment while in USBP custody or that an agent observed mistreatment of any UAC during the timeframe of the alleged incident. Mr. (b) (6) was screened by several agents during intake, processing, and during welfare checks and no mention of being mistreated or that he suffered any injuries was noted on either his Juvenile Screening Form, or in the e3 Juvenile Detention Module. The photo on the I-213 does not show any visible bruising or swelling.

Therefore I recommend closing this complaint with no further action.

Special Circumstances

Recommend Office of General Counsel (OGC) Review (Y/N)

If Yes- provide a brief explanation

Suggested Closure Method(s) (check all that apply):

<input checked="" type="checkbox"/> Close Letter to Complainant	<input type="checkbox"/> Close email/memo to component
<input type="checkbox"/> Phone call (a description of which is documented in Writing)	<input type="checkbox"/> High level component communication
<input type="checkbox"/> No notification necessary	<input type="checkbox"/> Close memo (No contact information)
<input type="checkbox"/> Other (provide details)	

Supporting Documents Attached:

Close Letter	

For Completion by Reviewer:

Closure Recommendation Accepted X Not Accepted ☐

(b) (6)



Homeland
Security

April 3, 2014

(b)(6)

South Texas Pro Bono Asylum Representation Project (ProBAR)

119 W. Van Buren (b)(6)

Harlingen, TX 78550

(b)(6)@americanbar.org

Re: Complaint No. 14-01-CBP-0087

(b)(6)

Dear Ms. (b)(6)

The Department of Homeland Security's (DHS) Office for Civil Rights and Civil Liberties (CRCL) received information from you on October 21, 2013 on behalf of unaccompanied minor (b)(6) concerning his treatment by agents of U.S. Customs and Border Protection (CBP) in the Rio Grande Valley Border Patrol Sector in Texas around September 22, 2013. Thank you for contacting us with your concerns.

Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, CRCL has the responsibility to review and assess complaints against Department of Homeland Security (DHS) employees and officials concerning violations of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion.

CRCL takes allegations of violations of civil rights and civil liberties very seriously. We have determined that your allegations should be investigated by CBP; a component of DHS, which will report its findings to CRCL. CBP will conduct an investigation as to whether proper procedures were followed and whether (b)(6) received adequate treatment from CBP while in custody.

We will review CBP's findings and assess compliance with civil rights requirements in these areas. The purpose of this process is to determine if your allegations raise issues that should and can be addressed by the management of DHS.

Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, our complaint process does not provide individuals with legal or procedural rights or remedies. Accordingly, CRCL is not able to obtain any legal remedies or damages on your behalf or that of (b)(6). Instead, we use complaints like yours to find and address problems in DHS policy and its implementation. If you believe the Complainant's rights have been violated, he may wish to consult an attorney. There may be time limitations that govern how quickly he may need to act to protect his interests.

Please note that Federal law forbids retaliation or reprisal by any Federal employee against a person who makes a complaint or discloses information to CRCL. 42 U.S.C. § 2000ee-1(e). If you believe that you or someone else is a victim of such a reprisal, please contact us immediately.

CBP or CRCL will contact you if additional information is needed or to report on the Department's review of this matter. If you have any questions concerning this referral, you may contact CRCL by phone at 866-644-8360, 866-644-8361 (TTY), or by email at crclcompliance@hq.dhs.gov. When you communicate with us, please include the complaint number. In addition, it is very important to notify us of any changes in your address or telephone number.

We thank you for your complaint; inquiries like yours help DHS meet its obligation to protect civil rights and civil liberties. You can expect to receive a letter from us informing you how the Department concluded this matter.

Sincerely,

(b)(6)



Acting Director, Compliance Branch
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security

From: [DHSOIGHotlineMailbox](#)
To: (b)(6) CRCL DHSOIGHotline
Cc: (b)(6)
Subject: RE: CRCL Complaint Number 14-01-CBP-0087
Date: Thursday, February 27, 2014 3:32:09 PM

Office of Inspector General

U.S. Department of Homeland Security



**Homeland
Security**

The below information has been reviewed and is returned for whatever administrative action or inquiry you consider appropriate. Should your office take any administrative or personnel action in response to this information, you are requested to report the final result of that action within 30 business days of its conclusion.

If your review of this matter discloses evidence of previously unreported criminal misconduct that is reportable under Management Directive 0810.1, you are required to notify this office of that information before any additional investigative steps are taken.

From: (b)(6) @associates.hq.dhs.gov]
Sent: Monday, February 24, 2014 2:56 PM
To: CRCL DHSOIGHotline
Cc: (b)(6)
(b)(6)
Subject: CRCL Complaint Number: 14-01-CBP-0087

DHS OIG,

Summary of new complaint for your review:

THIS MATTER INVOLVES AN UNACCOMPANIED MINOR. On October 21, 2013, CRCL received email correspondence from (b)(6) of Children's Project South Texas Pro Bono Asylum Representation Project (ProBAR) on behalf of unaccompanied alien child (UAC) (b)(6). (b)(6) According to EARM records, the UAC was apprehended on September 22, 2013 by Border Patrol in Mission, Texas (Rio Grande Valley Sector), and then transported to Weslaco BP Station for processing. The UAC alleges that during apprehension a Border Patrol agent caught him while he was running and kicked him in the back. The UAC was in BP custody for over 72 hours prior to be transferred to HHS ORR.

Thank you.

(b)(6)

Compliance Branch
Office for Civil Rights and Civil Liberties

U.S. Department of Homeland Security

 (202)357-(b)(6) o)
(b)(6) @associates.hq.dhs.gov



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From: (b)(6),(b)(7)(C)
Sent: Thursday, April 03, 2014 4:18 PM
To: JOINT INTAKE
Cc: (b)(6),(b)(7)(C)
Subject: FW: Referral Documents for CRCL Group Referral Documents Complaint UAC RGV Sector
Attachments: CRCL Referral Letter Complaint No 14-01-CBP-0104.pdf; CRCL Referral Letter Complaint No 14-03-CBP-0046.pdf; CRCL Referral Letter Complaint No 14-03-CBP-0044.pdf; CRCL Referral Memo 14-01-CBP-0104.pdf; CRCL Referral Assistance Form 14-01-CBP-0104.pdf; CRCL Referral Letter Complaint No 14-01-CBP-0087.pdf; CRCL Referral Letter Complaint No 13-10-CBP-0309.pdf; 12.29.2013 (b)(6) ProBAR.PDF; 12.10.2013 (b)(6) via HHS.PDF; 12.05.2013 (b)(6) via ProBAR.PDF; 10.21.2013 (b)(6) ProBAR.PDF; 10.21.2013 (b)(6) ProBAR.PDF

For action and file creation as warranted.

From: CRCLCompliance
Sent: Thursday, April 03, 2014 3:43 PM
To: (b)(6),(b)(7)(C)
Cc: (b)(6) PDOTASKING; (b)(6),(b)(7)(C)
Subject: Referral Documents for CRCL Group Referral Documents Complaint UAC RGV Sector

Hello Mr (b)(6),(b)(7)(C)

Please find attached the CRCL correspondences in reference to CRCL Group Referral Documents Complaint UAC RGV Sector:

13-10-CBP-0309 (b)(6)
14-01-CBP-0087
14-01-CBP-0104
14-03-CBP-0028
14-03-CBP-0044
14-03-CBP-0046

Thank you,

(b)(6)
Complaints Manager
Office for Civil Rights and Civil Liberties
Department of Homeland Security
Washington, DC 20528
Phone: (202) (b)(6)
Fax: (202) (b)(6)



**Homeland
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